SENATE.

THURSDAY, *February 27, 1913.*

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

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Thou, who always givest us the victory in Christ, we thank Thee that Thou dost never leave us nor forsake us. Though Thou takest from our side friends and counselors, yet Thou dost not take from us Thy loving kindness. We thank Thee, our Father, for the life, the character, and the public service of him whom we this day remember and, remembering, honor. We thank Thee for the privilege of laboring with him for the common weal and for the blessed memory of his life. We commend to Thee those to whom this sorrow is most deep and tender, and pray Thee to keep them and us evermore in Thy heavenly care.

And unto Thee, who art the first and last and whose we are, living or dying, be all glory and praise on earth and in heaven now and forevermore. Amen.

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.

NEW MEXICO STATE CLAIMS (S. DOC. NO. 1112).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate from the Department of the Interior for an appropriation of $32,000 for the purpose of surveying and establishing boundaries of certain small holding claims in the State of New Mexico, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

UNITED STATES MINT, PHILADELPHIA, PA. (S. DOC. NO. 1111).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, recommending for inclusion in the general deficiency appropriation bill an item of appropriation for placing iron grilles at windows, United States Mint, Philadelphia, Pa., $10,000, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 6176. An act for the relief of Gibbes Lykes; and

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant.

The message also announced that the House had passed a bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the amendments of the Senate to 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTLETT, Mr. BORLAND, and Mr. GOOD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

S. 3947. An act to provide for a bridge across Snake River, in Jackson Hole, Wyo.; and

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

SENATOR FROM OKLAHOMA.

Mr. GORE. I present the credentials of my colleague [Mr. OWEN], reelected to the Senate from the State of Oklahoma, which I ask may be read.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of ROBERT L. OWEN, chosen by the Legislature of the State of Oklahoma a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution passed by the Legislature of the State of Maine, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution by Senate and House of Maine Legislature, seventy-sixth session.

Whereas there is pending before Congress a bill known as the McLean bill, Senate Document No. 6497, to afford Federal protection to migratory game and insectivorous birds; and

Whereas there is a general sentiment in favor of such protection, and an urgent request has been made for the enactment of such law: Now therefore be it

Resolved, That Congress be, and hereby is, urged to enact a law insuring ample protection to migratory game and insectivorous birds.

Resolved, That the legislatures of all States of the United States be, and they are hereby, urged to join in this request by the adoption of this or similar resolution.

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

CARL E. MILLIKEN, *President.*
JOHN A. PETERS, *Speaker.*

In senate chamber, February 10, 1913: Read and adopted. Sent down for concurrence.

W. E. LAWRY, *Secretary.*

House of representatives, February 10, 1913: Read and adopted in concurrence.

W. R. ROIX, *Clerk.*

UNITED STATES OF AMERICA, STATE OF MAINE,
OFFICE OF SECRETARY OF STATE.

I, J. E. Alexander, secretary of state of the State of Maine and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of joint resolution of the Senate and House of Representatives of the State of Maine in legislature assembled with the original thereof as filed in the office of the secretary of state of the State of Maine, on the 12th day of February, 1913, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta this 12th day of February, in the year of our Lord one thousand nine hundred and thirteen and in the one hundred and thirty-seventh year of the independence of the United States of America.

[SEAL.] J. E. ALEXANDER,
Secretary of State.

The PRESIDENT pro tempore presented a petition of members of the Pokagon Tribe of Pottawattomie Indians of Michigan and Indiana, remonstrating against the enactment of legislation to facilitate the reclamation of shore lands for the Burnham lake-front improvement project on Lake Michigan, which was referred to the Committee on Commerce.

Mr. OVERMAN presented a petition of the congregation of Race Street Methodist Episcopal Church South, of Statesville, N. C., praying for the passage of the so-called Kenyon-Sheppard interstate liquor bill, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Mad River Grange, No. 71, Patrons of Husbandry, of Waterbury, Conn., praying for the passage of the so-called Page vocational education bill, which was ordered to lie on the table.

Mr. JOHNSON of Maine presented a memorial of sundry citizens of Lewiston, Me., 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.

He also presented a memorial of members of the Athene Club of Bangor, the Seneca Club of South Paris, the Woman's Club of Orono, the Past and Present Club of Fairfield, the Skowhegan Club of Skowhegan, the Progressive Club of Lisbon, the Searchlight Club of Rumford, the Columbian Club of Bethel, the Pine Cone Club of Clinton, the Conklin Class of Portland, and of the Woman's Club of Newcastle and Damariscotta, all in the State of Maine, remonstrating against the enactment of legislation transferring the control of the national forests to the several States, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. GRONNA presented sundry affidavits in support of the bill (S. 8304) for the relief of Rodger Caplette, which were referred to the Committee on Claims.

Mr. JOHNSON of Maine presented a joint resolution of the Legislature of Maine relative to Federal protection of migratory game and insectivorous birds, which was ordered to lie on the table.

Mr. DU PONT presented a memorial of sundry citizens of Wilmington, Del., 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. SMITH of Maryland presented memorials of sundry citizens of Baltimore, Chestertown, and Rock Hall, in the State of Maryland, and sundry citizens of Washington, D. C., 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.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. LODGE presented a memorial of the board of directors of the Massachusetts Peace Society, of Boston, Mass., remonstrating against the enactment of legislation providing for Federal pay for the National Guard, which was referred to the Committee on Military Affairs.

He also presented a memorial of the directors of the Massachusetts Peace Society, of Boston, Mass., remonstrating against the enactment of legislation authorizing the construction of more than one proposed new battleship, which was referred to the Committee on Naval Affairs.

Mr. SHIVELY. I present Senate concurrent resolution 2 of the General Assembly of the State of Indiana, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

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

Senate concurrent resolution 2.

A concurrent resolution requesting the Representatives and instructing the Senators in Congress from the State of Indiana to vote for and use their influence for the passage of a bill now pending before Congress to place the officers of the Civil War on the retired list as a matter of honor to them.

Resolved by the senate (the house of representatives concurring), That the Representatives in Congress from the State of Indiana be requested and the Senators from the State of Indiana be instructed to use their influence and to vote for the bill now pending in the Congress of the United States to place the officers of the Civil War on the retired list as a matter of honor, and other matters connected therewith.

Resolved further, That the secretary of the senate is hereby instructed to send a certified copy of this resolution to each of the Representatives in Congress and to the Senators, with instructions, as above indicated, to be certified to by the secretary of the senate and signed by the president of the senate and attested by the secretary.

I hereby certify that the above is a full, true, and complete copy of senate concurrent resolution 2, adopted by the senate on the 13th day of February, 1913, and concurred in by the house on the 14th day of February, 1913.

WM. P. O'NEILL,
President of Senate.

Attest:

WADE H. FREE,
Secretary of Senate.

Mr. GALLINGER presented a telegram in the nature of a petition from F. S. F. Dearborn, New Hampshire State regent, Daughters of the American Revolution, of Suncook, N. H., which was ordered to lie on the table and to be printed in the RECORD, as follows:

SUNCOOK, N. H., *February 26, 1913.*

Senator GALLINGER,
Washington, D. C.:

Please support the bill for memorial bridge to Arlington.

Respectfully, yours,

F. S. F. DEARBORN,
New Hampshire State Regent,
Daughters of the American Revolution.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (H. R. 24296) for the relief of Alonzo D. Cadwallader, reported it with an amendment and submitted a report (No. 1324) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 20511) for the relief of Samuel Butter & Co., reported it with an amendment and submitted a report (No. 1327) thereon.

Mr. BACON, from the Committee on the Judiciary, to which was referred the bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported it with an amendment and submitted a report (No. 1328) thereon.

Mr. ROOT, from the Committee on Industrial Expositions, to which was referred the amendment submitted by Mr. LEA on the 21st instant, providing that the Government of the United States participate in the National Conservation Exposition to be held at Knoxville, Tenn., during the fall of 1913, etc., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and submitted a report (No. 1332) thereon.

Mr. BRYAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 8497) to repeal section 3 of an act entitled "An act making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1900," reported it without amendment and submitted a report (No. 1329) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred the bill (S. 7620) for the relief of Ernest C. Stahl, reported it without amendment and submitted a report (No. 1330) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (H. R. 8921) for the relief of William H. Seward, reported it without amendment and submitted a report (No. 1331) thereon.

CORPORATIONS IN INTERSTATE COMMERCE.

Mr. CUMMINS. I submit a report from the Committee on Interstate Commerce, together with the individual views of certain members of the committee. I ask that the report be printed and also that it be printed in the RECORD.

Mr. CLAPP. I should like to request that, in addition to the usual number of this report, there be printed a thousand additional copies for the use of the Interstate Commerce Committee.

The PRESIDENT pro tempore. The title of the report will be read.

Mr. CUMMINS. I did not ask for the reading of the report.

The PRESIDENT pro tempore. The Chair did not direct it. The Chair simply wanted to know what the Senator reports on.

Mr. CUMMINS. It is a report pursuant to Senate resolution 98, agreed to July 26, 1911, and as the result of a certain investigation which was ordered by that resolution.

The PRESIDENT pro tempore. The Senator from Iowa asks that the report be printed in the RECORD, and the Senator from Minnesota requests that 1,000 additional copies be printed for the use of the Committee on Interstate Commerce. Without objection, that order will be made.

The report (No. 1326) is as follows:

CONTROL OF CORPORATIONS, PERSONS, AND FIRMS ENGAGED IN INTERSTATE COMMERCE.

Mr. CUMMINS, from the Committee on Interstate Commerce, submitted the following report, pursuant to Senate resolution 98:

The Committee on Interstate Commerce, to which was referred the following resolution—

"*Resolved*, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee"—

begs leave to make the following report:

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce provided for open hearings upon the subject matter of the resolution. The hearings began on the 15th day of November, 1911, and were continued from day to day for more than three months, during which time 103 men appeared before the committee, and their statements, together with the exhibits and documents submitted by them, fill 2,799 printed pages. A printed copy of these statements, exhibits, and documents, including an index, laws, and reference concerning industrial combinations in foreign countries, and a collection of judicial decisions touching the power of Congress in the regulation of commerce among the States, in all, five volumes, is herewith presented to the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion:

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That, whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporation now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

It is plain that the first question to be answered in considering what additional legislation upon the subject is necessary or desirable is a vital one. It is this: Should Congress attempt to maintain competitive conditions in the general interstate commerce of the country, where they still exist, and to restore such conditions where they have been destroyed, or should it accept the complete or partial overthrow of competition and resort to some other method of protecting the people against the power of combination and monopoly?

Without doubt the chief if not the only object in mind, when the antitrust law was passed, was to maintain competition as an effective regulating force in business by making it unlawful to enter into any contract or combination in restraint of trade or commerce among the States or with foreign nations, or to monopolize, or attempt to monopolize, such trade or commerce. The bill introduced by Senator Sherman, out of which the present statute grew, was in terms directed against the suppression of competition. After a long debate and much reflection the Judiciary Committee of the Senate reported a substitute in which "restraint of trade" was the thing forbidden instead of interference with competition. This was accepted not because there was any abandonment of the desire to preserve competition, but because there was a common law on the subject well established and carefully elucidated in the English decisions. The common law was that both contracts and acts in restraint of trade were injurious to the public welfare, and therefore opposed to public policy. The Congress of 1890 very wisely borrowed the language of the common law and with it came the learning of the judges, who had from time to time declared and expounded it. It is not the purpose of the committee to recite the development of the English doctrine. It was not always stated with exact accuracy and there is some inharmony of expression, but it may be said with confidence that a restraint of trade consisted of such unreasonable restriction of competition as impaired substantially, and to the public injury, the freedom of trade or the freedom to trade. Interference with free competition was generally but not necessarily a restraint of trade, for there were some restrictions that could be put upon competition and upon competitors that left the competitive force as an adequate protection to the people. Hence the common law was that unreasonable, unfair, undue restraint upon or interference with competition or competitive conditions constituted a restraint of trade.

The committee has made this comment upon the common law, and pointed out the distinction between "restraint of competition" and "restraint of trade" in order that it may be fully understood in its analysis of the conflict between the earlier and later opinions of the Supreme Court of the United States relating to the construction and application of the antitrust statute.

The committee will not at this time enter upon an extended argument respecting the policy of maintaining competition or competitive conditions in the business of the country. It is well understood that there are many distinguished students and highly trained thinkers who believe that the age of competition is past, and that for the struggle which competition involves there should be substituted combination and cooperation, under such regulation and supervision as will protect the people from the oppression of monopolistic power, and added to the students and thinkers who have reached this conclusion through mere observation and investigation there are many men engaged in commerce, and who therefore speak from a practical standpoint, who have also concluded that some form of regulated monopoly or concentration should be adopted. All these men, whether theorists or otherwise, admit that if we abandon the effort to maintain competition the Government must undertake, directly or indirectly, to fix prices for the combinations or monopolies. The committee feels that the time has not yet come for so radical a departure from the long-established policy of the country, and it hopes that the time may never come when it will be necessary for the Government to assume the task of establishing prices for general commodities. It believes that the progress of the world depends in a large measure upon that fair, reasonable rivalry among men which has hitherto characterized the advances of civilization.

It is frequently declared that the law can not compel men employed in like business to compete with each other. There is a sense in which this is true, but it is only technically true. What is meant when we use the phrase "maintaining competition" is maintaining competitive conditions. We can both create and maintain competitive conditions, and until human nature is revolutionized when competitive conditions exist there will be actual competition, but if for some extraordinary reason that should fail there will be at least a potential competition tending to prevent undue prices and unfair practices. Without going further into the issue between regulated competition and regulated monopoly, the committee reiterates its finding that the antitrust statute should stand and that every possible effort to create and preserve competitive conditions should be made.

Assuming, therefore, that Congress should maintain the policy established by the antitrust law and should make it more effective by additional legislation, if it be within our power to do so, the committee calls attention to the interpretation which the Supreme Court has given to the statute and to the application of its provisions which that tribunal has made in cases which have come before it for decision. It is not the intent of the committee in this report to review the opinions of the Supreme Court one by one, but rather to select certain types which will either demonstrate the wisdom of additional legislation or show that the law is adequate as it is.

The committee selects for the purpose indicated the following cases, all of which arose under the statute now being considered:

United States *v.* E. C. Knight Co. (156 U. S., 1).
United States *v.* Trans-Missouri Freight Association (166 U. S., 290).
United States *v.* Joint Traffic Association (171 U. S., 505).
Hopkins *v.* United States (171 U. S., 578).
Northern Securities Co. *v.* United States (193 U. S., 197).
Standard Oil Co. *v.* United States (221 U. S., 1).
United States *v.* American Tobacco Co. (221 U. S., 106).
United States *v.* Union Pacific Railroad Co. (not yet reported, opinion delivered Dec. 2, 1912).

The committee does not give a statement of the facts in each of these cases, for to do so would greatly prolong the report, and it will be taken for granted that those who are interested in the subject are already familiar with the facts as they appear in the Supreme Court reports.

The rule of law announced in United States *v.* Knight Co. and in Hopkins *v.* United States is that a restraint of trade however unreasonable is not prohibited by the antitrust statute, no matter how general or disastrous the interference or restraint may be upon commerce among the States unless it directly affects such commerce. There is a general understanding among the judges and lawyers of the country that the Knight case has been overruled or modified in subsequent decisions. Undoubtedly it can be fairly inferred from the recent opinions of the court in like cases that, if the facts of the case were now presented, it would be held that the restraint was direct; but the rule of law established has never been questioned by the court and has been emphatically reasserted in every prominent opinion hitherto rendered. The committee does not bring these cases forward for the purpose of disputing the soundness of the rule under existing legislation. Its object is to disclose, as clearly as possible, the scope of judicial discretion, and therefore of business uncertainty which it creates. In every prosecution under the act wherein there is proven or admitted a contract or combination which restrains trade among the States, the first thing that the court must ascertain and declare is whether the restraint is direct or indirect. In the Knight and Hopkins cases, and others of that type, it was held to be indirect. In the Northern Securities Co., Standard Oil Co., and American Tobacco Co. cases it was held to be direct. It is obvious that the opinion of any given man in any given case upon this question, whether he be judge or not, must depend largely not upon his learning in the law but upon his training and bent in the economy of commerce. The result has been, and necessarily will be, that the law officer of the Government before he institutes a prosecution must determine whether the restraint is direct and immediate, and the court in order to decide the issue must employ the functions of the legislator rather than the lawyer.

The consequence is twofold: First, the Department of Justice will ignore a great many unlawful transactions because there will be doubt as to whether the interference with interstate or international trade is direct or indirect; second, the business community has found itself and will find itself in a state of uncertainty as to whether a particular transaction is to be judged by the law of the State or the law of the Nation. It is not claimed that this undefined and undefinable field of judicial discretion can be wholly occupied by legislation, but it is manifest that it is the duty of the legislative branch of the Government to circumscribe it within the closest practicable bounds. The committee will recur to this subject in connection with another aspect of the judicial power, and contents itself now with a statement of its conclusion that there should be further legislation specifically prohibiting certain forms of associations, combination, or monopoly which admittedly restrain trade and commerce among the States and with foreign nations, but which may be held by the courts to be indirect or remote interferences.

The committee has first referred to the point just mentioned, not because it is first in importance, but because it first arose. It now passes to another and more serious weakness in the law as now interpreted.

In the Trans-Missouri Freight Association case there developed a controversy among the members of the Supreme Court that was carried on with unabated vigor through the 15 years intervening between the opinion in the Freight Association case and the opinion in the Standard Oil Co. case. In this period the vicissitudes of life and the changes upon the bench which necessarily ensued converted the opinion of the court in the Freight Association case into a single dissenting opinion in the Standard Oil Co. case, and the dissenting opinion in the former case into the opinion of the court in the latter case. In the Freight Association case Mr. Justice Peckham, in delivering the opinion of the court, said:

"Second. The next question to be discussed is as to what is the true construction of the statute, assuming that it applies to common carriers by railroad. What is the meaning of the language as used in the statute that 'every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal'? Is it confined to a contract or combination which is only in unreasonable restraint of trade or commerce, or does it include what the language of the act plainly and in terms covers, all contracts of that nature?" (Page 327.)

The learned justice answered the question thus propounded many times and in great variety of phrase in the course of the opinion, and the committee quotes some of these answers.

"When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress (p. 328).

"But we can not see how the statute can be limited, as it has been by the courts below, without reading into its text an exception which alters the natural meaning of the language used, and that, too, upon a most material point, and where no sufficient reason is shown for believing that such alteration would make the statute more in accord with the intent of the lawmaking body that enacted it (p. 329).

"The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act, could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances we are, therefore, asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade, and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act by way of judicial legislation an exception that is not placed there by the lawmaking branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it can not be supposed that Congress intended the natural import of the language used. This we can not and ought not to do (p. 340).

"The conclusion which we have drawn from the examination above made into the question before us is that the antitrust act applies to railroads, and that it renders illegal all agreements which are in restraint of trade or commerce as we have above defined that expression, and the question then arises whether the agreement before us is of that nature" (p. 341).

The issue was clearly joined by Mr. Justice White (now Chief Justice), who in his dissenting opinion, in which Justices Field, Gray, and Shiras concurred, thus stated the question:

"To state the proposition in the form in which it was earnestly pressed in the argument at bar, it is as follows: Congress has said every contract in restraint of trade is illegal. When the law says every, there is no power in the courts, if they correctly interpret and apply the statute, to substitute the word 'some' for the word 'every.' If Congress had meant to forbid only restraints of trade which were unreasonable it would have said so; instead of doing this it has said 'every,' and this word of universality embraces both contracts which are reasonable and unreasonable" (p. 345).

The distinguished justice begins his answer to the proposition just quoted as follows:

"I commence, then, with these two conceded propositions, one of law and the other of fact: First, that only such contracts as unreasonably restrain trade are violative of the general law; and second, that the particular contract here under consideration is reasonable, and therefore not unlawful if the general principles of law are to be applied to it" (p. 344).

Again:

"Its title is 'An act to protect trade and commerce against unlawful restraints and monopolies.' The word 'unlawful' clearly distinguishes between contracts in restraint of trade which are lawful and

those which are not. In other words, between those which are unreasonably in restraint of trade, and consequently invalid, and those which are reasonable and hence lawful" (p. 352).

Again:

"If these obvious rules of interpretation be applied, it seems to me they render it impossible to construe the words 'every restraint of trade' used in the act in any other sense than as excluding reasonable contracts, as the fact that such contracts were not considered to be within the rule of contracts in restraint of trade was thoroughly established both in England and in this country at the time the act was adopted" (p. 354).

Again:

"Indeed it seems to me there can be no doubt that reasonable contracts can not be embraced within the provisions of the statute if it be interpreted by the light of the supreme command that the intention of the law must be carried out, and it must be so construed as to afford the remedy and frustrate the wrong contemplated by its enactment" (p. 355).

It will be noted that but once in the dissenting opinion is the word "unreasonable" used to qualify the phrase "in restraint of trade." It is generally employed to qualify the word "contract." There is some difference between saying that there may be a reasonable interference with competition or freedom in trade or freedom to trade which did not at the common law constitute a restraint of trade, and saying that there can be under our statute a reasonable restraint of trade. But this was only the beginning.

Two years later the suit of the United States *v.* Joint Traffic Association came on for decision. Again Mr. Justice Peckham delivered the opinion of the court, and upon the point we are considering there seems to have been no change in the attitude of the members of the court toward it. It is instructive to observe, however, that in referring to Hopkins *v.* The United States, in which the opinion was handed down at the same term, the learned justice said:

"In Hopkins *v.* The United States, decided at this term, post, 578, we say that the statute applies only to those contracts whose direct and immediate effect is a restraint upon interstate commerce * * * the effect upon interstate commerce must not be indirect or incidental only" (p. 568).

Five years thereafter the well-known Northern Securities case was decided, and the struggle was renewed with intense earnestness. Mr. Justice Harlan rendered the opinion of the court, and this is the way he stated the question:

"Is the act to be construed as forbidding every combination or conspiracy in restraint of trade or commerce among the States or with foreign nations? Or does it embrace only such restraints as are unreasonable in their nature? Is the motive with which a forbidden combination or conspiracy is formed at all material when it appears that the necessary tendency of that particular combination or conspiracy in question is to restrict or suppress free competition between competing railroads engaged in commerce among the States? Does the act of Congress prescribe, as a rule for interstate or international commerce, that the operation of the natural laws of competition between those engaged in such commerce shall not be restricted or interfered with by any contract, combination, or conspiracy" (p. 328)?

In answering the question he probably goes a little further than Justice Peckham. He states as the conclusion to be drawn from former opinions of the courts:

"That the act is not limited to restraints of interstate and international trade or commerce that are unreasonable in their nature, but embraces all direct restraints imposed by any combination, conspiracy, or monopoly upon such trade or commerce; * * *. That every combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in interstate trade or commerce, and which would in that way restrain such trade or commerce, is made illegal by the act; * * *. That to vitiate the combination, such as the act of Congress condemns, it need not be shown that the combination in fact results or will result in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce or tends to create a monopoly in such trade or commerce and to deprive the public of the advantages that flow from free competition (p. 331).

"Whether the free operation of the normal laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly there are those who think that the general business interest and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be all this as it may, Congress has in effect recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce" (p. 337).

Mr. Justice Brewer was with the majority of the court in the Trans-Missouri Association case, and he concurred in the decision in the Northern Securities Co. case; but upon the question we are discussing he rejected the reasoning of Justice Harlan and adopted the views expressed by Justice White in the former case. He said:

"Instead of holding that the antitrust act includes all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate trade, and as such within the scope of the act. That act, as it appears from its title, was leveled at only 'unlawful restraints and monopolies.' Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decision at common law had affirmed were reasonable and ought to be upheld. The purpose rather was to place a statutory prohibition with prescribed penalties and remedies upon those contracts which were in direct restraint of trade, unreasonable, and against public policy. Whenever a departure from common-law rules and definitions is claimed, the purpose to make the departure should be clearly shown. Such a purpose does not appear and such a departure was not intended" (p. 361).

The Chief Justice and Justices White, Peckham, and Holmes dissented. Justice White, while discussing many phases of the relation between the General and the State Governments, finally rested his opinion upon the Knight case, holding that there was no direct restraint of interstate commerce. Justice Holmes, while concurring with Justice White, took occasion to say, in substance, that the method adopted by the defendants for the suppression of competition did not constitute a restraint of trade in the sense of the antitrust law.

With the Northern Securities case there terminated one distinct, striking period in the interpretation and application of the antitrust statute. It is needless to inquire at length whether or not the views of the court, as expressed in the opinions of Justices Peckham and Harlan, were in exact harmony with the common law as to the meaning or definition of the phrase "restraint of trade." Even if these learned judges were not quite successful in distinguishing the difference, at the common law, between a restraint of competition and a restraint of trade, it still remains true that for more than 13 years repeated decisions of the highest tribunal of the country had declared that every contract or combination which prevented free competition was a restraint of trade, and that, if the restraint directly affected commerce among the States, then the contract or combination was unlawful, under the first section of the act.

Inasmuch as the committee is of opinion that legislation should be so clear in its terms as not to admit of unlimited judicial discretion, it pauses here a moment to point out just what the range of discretion was under the decisions ending with the Northern Securities case. It is manifest that the inquiry that the court was then required to make in each case was this: Has the evidence established a restraint of trade; that is to say, has the evidence established a contract or combination which interfered with free competition?

There was some but not great latitude for difference of opinion upon such an inquiry, and the uncertainty in the application of the law was reduced to a minimum; nor would the uncertainty have been much increased if the inquiry had been as to an unreasonable interference with free competition, which would have been the inquiry had the common-law understanding been strictly adopted by the Supreme Court.

If the more recent construction of the statute were in harmony with the earlier decisions, further legislation might nevertheless be required; but it is unnecessary to make the inquiry. That question is purely academic, for the later rulings have completely reversed the former ones, in so far as the phase of the subject now being discussed is concerned.

On the 15th day of May, 1911, the case of the Standard Oil Co. *v.* The United States was passed upon by the Supreme Court. Chief Justice White (formerly Justice White) delivered the opinion and reiterated, as the conclusion of the court, the views that he had so forcibly urged as a dissenter 15 years before. It was not necessary for the court to deal with the question at all, inasmuch as it found the defendants guilty of a restraint of trade under any and every meaning of the term, but for the very purpose, the committee assumes, of advising the country that a new rule had been adopted, so that business might be guided by it, it was stated in the most emphatic way imaginable that the statute which declares that "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal" means that a contract or combination in order to be illegal must cause an undue restraint of trade. The following quotations from the opinion will need no comment:

"That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint" (pp. 59, 60).

Again:

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section" (p. 61).

That the Chief Justice intended to announce a rule at variance with the declarations of Justice Peckham and Justice Harlan in the Trans-Missouri Freight Association and Northern Securities cases is made clear in the following extracts:

"The question is pertinent and must be fully and frankly met, for if it be now deemed that the Freight Association case was mistakenly decided or too broadly stated, the doctrine which it announced should be either expressly overruled or limited. * * * And in order not in the slightest degree to be wanting in frankness, we say that in so far, however, as by separating the general language used in the opinion in the Freight Association and Joint Traffic cases from the context and the subject and parties with which the cases were concerned, it may be conceived that the referred to conflicts with the construction which we give the statute, they are necessarily now limited and qualified" (pp. 68, 69).

The learned Chief Justice contends that this rule of construction, which he repeatedly calls the "rule of reason," must be applied in order to prevent the entire overthrow of the statute.

It is one of the interesting things in our judicial history that so great had been the change in the personnel of the court that when the dissenting opinion of Justice White in 1896 became the opinion of the court in 1911 Justice Harlan was the only member remaining to protest against the reversal. He recorded his dissent in one of the most vigorous opinions that can be found in the reports, but for the purposes which the committee has in view it is not necessary to do more than to mention it.

Justice Harlan has passed away, and it may be assumed that the Supreme Court is now unanimously in favor of the doctrine so often and so ably promulgated by Chief Justice White. The rule was reasserted in the American Tobacco Co. case and has not since been questioned by any member of the court.

It is true that in the important opinion rendered in the suit of the United States *v.* The Union Pacific Railroad Co., Justice Day says:

"The act is intended to reach combinations and conspiracies which restrain freedom of action in interstate trade and commerce and unduly suppress or restrict the play of competition in the conduct thereof," citing as authority the Joint Traffic Association case.

It is true also that the court quotes, with apparent approval, the following extract from Mr. Justice Harlan in the Northern Securities case:

"In all the prior cases in this court the antitrust act has been considered as forbidding any combination which by its necessary operation destroys or restrains free competition among those engaged in interstate commerce; in other words, that to destroy or restrict free competition in interstate commerce was to restrain such commerce."

But thereafter the court says:

"In the recent discussion of the history of the meaning of the act in the Standard Oil Co. and Tobacco Co. cases this court declared that the statute should be given a reasonable construction with a view to

reaching those undue restraints of interstate trade which are intended to be prohibited and punished."

The fair conclusion is that it is now the settled doctrine of the Supreme Court that only undue or unreasonable restraints of trade are made unlawful by the antitrust act, and that in each instance it is for the court to determine whether the established restraint of trade is a due restraint or an undue restraint.

Whatever may be the opinion of the several members of the committee with respect to the soundness of the rule as now established, the committee as a whole accepts it as the present law of the land. It is profoundly convinced that, in view of the rule and its necessary effect upon the business of the country, the inherent rights of the people, and upon the execution of the statute, it has become imperative to enact additional legislation.

The committee has full confidence in the integrity, intelligence, and patriotism of the Supreme Court of the United States, but it is unwilling to repose in that court, or any other court, the vast and undefined power which it must exercise in the administration of the statute under the rule which it has promulgated. It substitutes the court in the place of Congress, for whenever the rule is invoked the court does not administer the law, but makes the law. If it continues in force, the Federal courts will, so far as restraint of trade is concerned, make a common law for the United States just as the English courts have made a common law for England.

The people of this country will not permit the courts to declare a policy for them with respect to this subject. If we do not promptly exercise our legislative power, the courts will suffer immeasurable injury in the loss of that respect and confidence so essential to their usefulness. It is inconceivable that in a country governed by a written Constitution and statute law the courts can be permitted to test each restraint of trade by the economic standard which the individual members of the court may happen to approve. If we do not speedily prescribe in so far as we can a legislative rule by which to measure the forms of contract and combination in restraint of trade with which we are familiar or which we can anticipate, we cease to be a Government of law and become a Government of men, and, moreover, of a very few men, and they appointed by the President.

It may be that the Supreme Court will be so enlightened and so alert that its opinion respecting what is due and what is undue restraint of trade will be in harmony with an awakened public conscience and a disinterested public judgment, but to fashion our conduct upon that hypothesis is to repudiate the fundamental principles of representative government.

When the commercial development of the country is considered, when the forms of industrial activity are taken into account, it must be admitted by every student of affairs that the policy of the Government with respect to restraints of trade and commerce should remain a judicial question in those cases only in which Congress can not prescribe a definite rule.

In order to look at the subject in the light of illustration, it is suggested that there will presently come before the courts the combination centered in the United States Steel Corporation. In the end nine justices of the Supreme Court will be asked to say whether the restraint of trade brought about through this combination is a due or an undue restraint, and the answer which each justice makes to that question will depend upon his individual opinion as an economist or sociologist, the conclusion of the court being in substance an act of legislation passed by the judicial branch of the Government to fit a particular case.

Further, it is believed by many thoughtful people that a substantial identity in the managing boards of competing corporations constitutes a restraint of trade and is harmful to the public interest. If such a case were brought before the court, what would be the "rule of reason?" What guide would the court have in determining whether such community of directors or managers was a due or an undue restraint of trade?

Again, suppose there were a dozen establishments in a given field of production competing with each other and six of them were to consolidate, employing half of all the capital and advancing the consolidated enterprise to a dominating position in the trade, where would the judge go for light in determining whether the restraint of trade was due or undue? These illustrations might be indefinitely extended, but it would serve no useful purpose to multiply them.

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared however, to say that Congress should, in as far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct. They should be so clear that the business world can understand them and go confidently forward, guided by them.

Not only should such conditions be imposed upon those who are engaged or propose to engage in commerce among the States, but our legislation should further recite certain known forms of combination and declare them to be unlawful because in restrain of trade. With respect to other forms, we should declare that if restraint is established the burden of proof is upon the persons or corporations involved to show that the restraint is reasonable.

These suggestions are not made solely for the better protection of that general body of our citizens, commonly called the people, who must deal with, buy from, and sell to the combinations sought to be regulated, but are made also in the interest of safety and certainty for the men who compose what is ordinarily known as the business community.

There are many forms of combination, and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful; but as the statute is now construed there are many forms of organization, and many other practices that seriously interfere with competition, and are planly opposed to the public welfare, concerning which it is impossible to predict with any certainty whether they will be held to be due or undue restraints of trade.

The committee does not conceal the difficulty of reaching an agreement concerning the details of the legislation just outlined, but it has no hesitation in reporting that legislation of the general character pointed out is both wise and necessary.

The committee further reports that if the additional legislation, the general scope of which has been pointed out, is enacted it will be very desirable to accompany such legislation with a measure establishing a commission for the better administration of the law and to aid in its enforcement. It may be fairly said that there is need of such a commission, even though the present statute is not supplemented in any manner; but it is apparent that if the new legislation is enacted the need of a commission will become more imperative.

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First. If the Bureau of Corporations were converted into an independent commission composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on, but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, and here is the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired there should be an approval, and in so far as the lawfulness of the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, though administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction, and whatever jurisdiction they now have, or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment.

Respectfully submitted.

ADDITIONAL VIEWS OF MR. POMERENE.

With the report in general I am in accord. But there is one feature of it about which I desire to be more explicit, and that is the paragraph discussing the certainty of the provisions of the Sherman law as applicable to certain cases and its uncertainty as applicable to others.

I approve the view that—

"There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful."

There are other forms of organization and acts which seriously interfere with competition, such as interlocking directories, watering of stock, selling of merchandise in one locality at a less price than in another, and other practices which are so contrary to sound business principles and good morals that they can and should be specifically controlled or prohibited by statute. As to these, in the interest of certainty, there should be other and further legislation. But, whatever may be the additional legislation, there will be many other contracts, combinations, and practices in "undue and unreasonable restraint of trade," which it is impossible for Congress to define by statute, because any attempt to so define them will, in practice, be found to exclude many other contracts, combinations, and practices which are equally inimical to the public good. As to these we must always depend upon the sound wisdom and discretion of courts and juries for relief, just as in the past we have been obliged to trust to their judicial administration.

To illustrate: We know that legislatures and courts have constantly refused to define fraud because the multiplicity of acts and circumstances involved in human affairs make it impossible of definition.

The same may be said with equal truth as to what constitutes "undue or unreasonable restraint of trade."

It is said with a great deal of force that men are not always able to tell in advance whether certain acts are in "undue or unreasonable restraint of trade." But however difficult this may be, it is no reason why they should be left for decision to the selfishness of in-

terested parties uncontrolled by judicial decision under the principles of the common law or under the broad provisions of the Sherman law.

In criminal cases it is often difficult to say in advance whether a given state of facts constitutes a reasonable doubt. But is that a reason why courts and juries should not attempt to say in a specific case whether there was, in fact, a reasonable doubt or not?

In negligence cases it is equally difficult to say whether a given state of facts constitutes contributory negligence on the part of the plaintiff or reasonable care on the part of the defendant. But can this be urged as a reason for not leaving special cases to the judgment of the court and jury?

In my judgment, what is "undue or unreasonable restraint of trade" must, in many cases if not in most cases, be left largely for judicial determination, and sound judgment and good morals will be a sufficient guide for those who are actuated by a proper public spirit rather than by selfish motives.

While I believe there can be some additional legislation along the lines indicated, I am firmly of the opinion that the Sherman law is a clear and certain guide for reasonable men who desire to comply with the law and do not exert themselves to evade its provisions.

ATLEE POMERENE.

ADDITIONAL VIEWS OF MR. TILLMAN.

The undersigned, after carefully considering the antitrust statute or Sherman law, agrees to the first proposition laid down by the committee contained on the second page of this report, and to that portion of the second proposition beginning with the words "it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations." It would be unwise for Congress to interfere by Federal corporation acts, and he believes it wiser to leave such things where they now are, to the States.

With the third proposition the undersigned is not now prepared to express concurrence, preferring to wait until the specific conditions and regulations contemplated are presented for decision.

He assents to the lucid and masterly exposition in the report of the vacillation of the Supreme Court of the United States, which has made the minority opinions of 15 years ago become the majority opinions now. That powerful tribunal has thus reversed the law on a most important question relative to crimes in connection with trusts and monopolies, and instead of a congressional statute we have judge-made law. These opinions were rendered in lawsuits of all sorts; and thus made by piecemeal, instead of properly explaining and defining the scope of the antitrust law, have made it a judicial question to be decided by the judges trying the case, whether a proven destruction of competition operating as a restraint of trade is to be prohibited and punished because contrary to law, or is to be allowed to go unwhipped of justice because the judges think it is not an "unreasonable" crime, but one which may be permitted.

The undersigned agrees that Congress should legislate so as to destroy any such preposterous and dangerous judicial discretion, because such discretion was never contemplated by the Constitution.

The undersigned is not now prepared to say that a new national commission should be established for the better administration of the antitrust law. He is inclined to believe that we have too many commissions now, composed largely of so-called "lame ducks," both Democrats and Republicans, who have been defeated at the polls and are given these places mainly as a compensation and means of support. He thinks Congress ought to perform its own functions rather than surrender them to commissions thus created by Executive appointment.

He does not assent to the particular language used on any point in the report of the committee, except where he has specifically so stated.

As the committee is not now ready to propose specific measures of legislation, he prefers to wait and to listen to the recommendations of the incoming President of the United States.

B. R. TILLMAN.

ADDITIONAL VIEWS OF MR. GORE.

I concur in the main body of the report and in the conclusions arrived at, except as to the specific recommendation looking to the establishment of a commission. Upon that recommendation I reserve my judgment for the present. I could not yield my assent to this proposition without first considering both the principles and details of any measure proposing such a commission. My ultimate assent would depend upon the constitution and character of the commission and upon the extent and limitation of its powers and purposes. It may be possible that a commission could with propriety be vested with power to pass upon the form of a proposed organization, but no commission should have authority to grant indulgences as to methods, conduct, and operations of any such organization.

T. P. GORE.

ADDITIONAL VIEWS OF MR. NEWLANDS.

Whilst I agree with the general conclusion reached by Mr. CUMMINS in his report, I have not been able to study with sufficient care the decisions of the Supreme Court relating to the trusts to enable me to form an independent opinion as to his analysis of them. For years I have contended that if at the time the Sherman Act was passed (the date of its passage being almost contemporaneous with that of the interstate-commerce act regarding the railroads) we had organized an interstate trade commission similar to the Interstate Commerce Commission, and with somewhat similar powers of investigation and correction, we would have prevented or remedied many of the abuses which have since grown up, and that we would have gradually evolved a system of commercial law, through administrative process, as complete as that which has been built up regarding our system of transportation.

I presented my views relating to this matter at the first hearing of this committee regarding the control of corporations on the 4th day of August, 1911, and on the 16th of November, 1911 (hearings, pp. 1 to 26, inclusive). I then discussed a bill for the organization of an interstate trade commission (Senate bill No. 2941), which was introduced by me on the 5th of July, 1911, and a substitute bill of the same number introduced by me August 21, 1911.

As a result of the additional light shed upon this subject by the hearings, I introduced in the Senate, on February 26, 1912, a bill (Senate bill 5485, 62d Cong., 2d sess.) entitled "A bill to create an interstate trade commission," etc.

Later on, as a result of subsequent consideration, this bill has been amended, and I present it with the alterations as a tentative proposal for criticism and suggestion. The bill as amended is annexed hereto.

Whilst I believe that the Sherman Antitrust Act should not be altered, I believe that it should be supplemented by such legislation as is shown to be necessary by the experience of the time. Such variety of view exists as to what this supplementary legislation shall be that I do not believe early legislation on this line is practicable. But I do believe that all can agree upon an interstate trade commission with powers of investigation and correction, and with the power to aid the courts in the administration of the Sherman Act and other supplementary legislation; and I believe that such a commission should be organized immediately, so that Congress can soon have the benefit of the recommendations which it will make as the result of its experience.

I shall not enter into any labored argument upon this question. I shall simply content myself with quoting from previous utterances in the Senate.

In the Senate, January 11, 1911:

"Mr. NEWLANDS. * * * The railroad commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 21 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption."

In the Senate, May 16, 1911:

"Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinions has been formed, and crystallizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect. * * *

"The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and as the result probably of the inertia and the inaction of Congress has taken upon itself what the dissenting member of this court, Mr. Justice Harlan, declared to be judicial legislation, and has written into the statute words which Congress never put there; and so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.

"The question, therefore, presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.

* * * * * * *

"* * * What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant, to carry out its will under rules established by it.

"The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

"Now, contrast that action with other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate-commerce act was passed, with reference to interstate trade, to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporation afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up and combinations of capital would have been effected without the abuses which have existed during the past 23 years * * *."

In the Senate, June 22, 1911:

"Mr. NEWLANDS. What is the second one which I suggested? I suggested legislation providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, correction, and recommendation with regard to interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation. This resolution was offered before the recent decision of the Supreme Court regarding the trusts, and I then declared that, whatever might be the decision of that court, the creation of such

a commission was essential. Interstate trade is just as much a part of interstate commerce as interstate transportation. The abuses of interstate trade have become just as great as the abuses of interstate transportation in the past have been. Obviously the teachings of experience lead us to the organization of a commission or board similar to the Interstate Commerce Commission, with a view of taking hold of the great combinations of capital and making them obedient to the law, giving such a commission powers of examination, recommendation, and condemnation similar to those enjoyed by the Interstate Commerce Commission.

"Since that decision the trust managers themselves have seen a great light, and in public examinations have stated that in their judgment the time has come for as complete regulation of corporations engaged in interstate trade as of corporations engaged in interstate transportation. Whether that regulation will ever extend so far as the regulation of the price itself is a matter to be determined in the future, for Congress will be called upon to decide how great these corporations shall be, what the extent of their capital shall be, what number of plants they shall own, and what shall be the extent of their operations. If they conclude to maintain the principle of competition, even though it leads to destruction, there will then, of course, be no necessity of regulating prices. But if they recognize the principle of helpful cooperation instead of destructive competition, then it will be necessary for them in extreme cases to face the question of the regulation of prices just as the prices of any public utility are regulated.

"I do not venture to express an opinion now as to what course should be pursued with reference to this great question, but it is time that the Interstate Commerce Committee of the Senate were entering upon an inquiry of the most important question in economics that has engaged the attention of the country since the railroad question was first presented to it."

Quotation from Mr. NEWLANDS'S statement before the committee on the 15th day of November, 1911 (hearings, p. 25):

"I may later on have something further to lay before this committee regarding this bill; but I wish to state at present that since the bill was introduced there has been a wide discussion throughout the country upon two divergent lines of thought, one insisting upon absolutely free and unrestricted competition as the regulator of corporate business, and the other inclining toward allowing large combinations of capital and applying thereto Government supervision and direction as the prime regulator. It is difficult to say now which of these opposing tendencies should or will ultimately prevail. The bill which I have introduced is, in my judgment, adapted to this undeveloped situation. It will help us to determine which of these theories is the correct one; it will furnish to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It does not affect the operation or the enforcement of the Sherman law; its work of publicity and supervision will tend to promote fair competition and keep equally open to all the highways of commerce. On the other hand, it takes the situation as it is, recognizes that there is a large degree of combination already existing, and makes that condition a subject for supervision, study, and report to Congress. Its frankly tentative character and its moderation recommend it as a step upon which all can unite in doing what is imperatively needed for the present without prejudicing the future.

"I trust that the committee will see the wisdom, without waiting for the end of this investigation, of recommending this tentative measure, which will aid in the final solution of all the pressing questions relating to trade corporations."

APPENDIX.

The following is the Interstate Trade Commission bill as tentatively amended by the Senate Committee on Interstate Commerce:

[S. 5485, Sixty-second Congress, second session.]

A bill to create an Interstate Trade Commission, to define its powers and duties, and for other purposes.

Be it enacted, etc., That this act shall be referred to and cited as the Interstate Trade Commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That there is hereby created a body to be known as the Interstate Trade Commission, which shall consist of three members, of whom no more than two shall belong to the same political party. The commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be three, six, and nine years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of nine years, and shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies shall be filled by like appointment and confirmation for the unexpired term. Each member of said commission shall receive a salary of $10,000 a year. The office of the commission shall be at Washington, in the District of Columbia, but the commission may hold meetings elsewhere when necessary and convenient.

SEC. 3. That the Bureau of Corporations is hereby transferred to and merged in said commission, and all of the powers, duties, records, papers, and funds belonging or pertaining to the Bureau of Corporations shall hereafter belong and pertain to the Interstate Trade Commission, and all the officers and employees of said bureau shall thereupon be officers and employees of the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such clerks, inspectors, examiners, experts, messengers, and other assistants as from time to time may be necessary and as may be appropriated for by Congress.

SEC. 4. That all corporations engaged in commerce among the several States or with foreign nations, excepting common carriers, shall from time to time furnish to the commission such information, statement, and records of their organization, business, financial condition, conduct, and management and the organization, business, financial condition, conduct, and management of their subsidiaries at such time, to such degree and extent, and in such form as may be prescribed by the commission; and the commission at all reasonable times, or its duly authorized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations and their subsidiaries, including the records of any of their executive or other committees. Failure or neglect on the part of any corporation subject to this act, or of any of its subsidiaries, to comply with the terms of this section within such time after written demand shall have been made upon such corporation by the commission requiring such compliance, as shall be fixed by the commission, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

SEC. 5. The information so obtained shall be public records, and the commission shall from time to time make public such information in such form and to such extent as it may deem necessary.

SEC. 6. That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission or alleging a failure to comply with or a violation of any of the provisions of this act by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction or other order enforcing such order of the commission or commanding such corporation, its officers and employees, to comply with the provisions of this act.

SEC. 7. That for the purposes of this act the commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation, or other person, to appear before said commission (and produce books, documents, and papers, if so ordered) and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying.

The tetimony of any witness may be taken at the instance of a party in any proceeding or investigation pending before the commission by deposition at any time after the inquiry is instituted. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such deposition may be taken before any person authorized so to do by the commission and who has power to administer oaths.

Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing.

Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, documents, or other things before this commission or in obedience to the subpœna of the commission whether such subpœna be signed or issued by one or more of the commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it in a proceeding instituted upon its own initiative: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who under oath testify in response to a subpœna of the commission in an inquiry instituted by the commission.

SEC. 8. That the said commission shall, on or before the 1st day of January in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 9. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 10. That in case a final decree shall be issued against any corporation under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, the court entering such decree may, in its discretion, refer to the commission its decree, with instructions to take evidence, consider such facts, and report to the court the findings as to method of dissolution or reorganization as the commission shall consider best fitted to carry out such decree; if a reorganization takes place under a decree, the commission shall inform itself respecting the reorganization, and if it is of the opinion that it is not in harmony with the decree it shall, through counsel, inform the court for such action as the court may take.

SEC. 11. That the said commission may at any time, upon complaint of any person or corporation, or upon its own initiative, or upon the request of the Attorney General, or of the corporation affected, investigate any corporation subject to the provisions of this act for the purpose of determining whether such corporation has been guilty of a violation of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of an "Act to reduce taxation," etc., which became a law August 27, 1894, or of any of the provisions of this act, and may hold such hearings and take such evidence as it may deem necessary; and in case the commission shall find that such corporation has been guilty of a violation of the provisions of said acts or of this act it shall make a finding, stating the facts, and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said acts and of this act, and shall transmit a copy of the said finding in full to such corporation. If within 60 days after transmitting said finding, or such extension thereof as shall be given by the commission, the corporation shall not have complied with the terms of the finding and shall not have performed the acts prescribed as necessary to make it comply with the said acts or with this act, the commission shall report the fact of noncompliance to the Attorney General, together with a copy of such finding, for his action under the said acts or of this act. But the commission may, if it deems it proper, report the facts to the Attorney

General without calling upon such corporation for compliance with said acts or with this act.

Nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the act to protect commerce, etc., approved July 2, 1890.

MINORITY VIEWS.

The undersigned members of the Senate Committee on Interstate Commerce are unable to agree to the report of the majority of the committee on Senate resolution 98, as to "what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce."

While certain features of the report are commendable, there are several conclusions therein which do not accord with our views, and therefore we are prevented from approving the report as a whole.

W. M. CRANE.
FRANK B. BRANDEGEE.
GEORGE T. OLIVER.
HENRY F. LIPPITT.

JENNIE M. ALDRICH.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 469, submitted by Mr. BURNHAM on the 20th instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Jennie M. Aldrich, widow of L. W. Aldrich, late a messenger of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

GERTRUDE WILSON.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 471, submitted by Mr. CRANE on the 21st instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate to Gertrude Wilson, widow of Washington Wilson, late a laborer of the Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

PROPOSED FINANCIAL INVESTIGATION.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 477, submitted by Mr. PENROSE on the 25th instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

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.

CHARLES H. ARBUCKLE AND BESSIE VON HARTEN.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 453, submitted by Mr. BRISTOW on the 6th instant, reported favorably thereon, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to Charles H. Arbuckle, who served as clerk to the Hon. Kirtland I. Perky, Senator from Idaho, from January 25 to February 6, 1913, the sum of $66.67, being at the rate of compensation now paid to clerks to Senators; and to Bessie Von Harten, who served as stenographer to Senator Perky for the same period, the sum of $40, being at the rate of compensation now paid to stenographers to Senators.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRANDEGEE submitted an amendment proposing to repeal so much of the act of June 30, 1913, as relates to additional appointments as cadets or cadet engineers in the Revenue-Cutter Service, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

Mr. BURTON submitted an amendment proposing to appropriate $10,000 for salaries and expenses of the International Waterways Commission, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,000 to pay Emma Morris, widow of Frank H. Morris, late Auditor of the Treasury for the War Department, who lost his life on December 22, 1900, while in the discharge of his official duties in the Winder Building, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $15,000 toward the construction of a graving dry dock to connect the Delaware River and Reserve Basin, Philadelphia, Pa., 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.

He also submitted an amendment proposing to appropriate $175,000 for the extension to the depot of supplies, United States Marine Corps, Philadelphia, Pa., including the purchase of site, 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.

He also submitted an amendment proposing to appropriate $300,000 for the construction or purchase of a testing or wrecking pontoon for submarines, 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. BURTON submitted an amendment proposing to appropriate $5,033.94 to pay balance for rent of temporary quarters at Cleveland, Ohio, for the accommodation of Government officials from October 31 to December 22, 1910, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—MANEUVER GROUND, TULLAHOMA, TENN.

On motion of Mr. LEA, it was—

Ordered, That permission be granted to withdraw from the files of the Senate the original manuscript of Senate Report No. 1303, relating to permanent maneuver ground, Tullahoma, Tenn.

LISTS OF CLAIMS AND JUDGMENTS.

Mr. WARREN. I ask unanimous consent to introduce a resolution calling for the judgments of the local courts, that we may have them in season for the deficiency bill which is about to be written up. I ask for its present consideration.

The resolution (S. Res. 478) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Treasury is hereby directed to transmit to the Senate the following schedule and lists of claims and judgments requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

DEPOSIT OF PUBLIC MONEYS IN NATIONAL BANKS.

Mr. POINDEXTER submitted the following resolution (S. Res. 479), which was ordered to lie on the table and be printed:

Resolved, That the Secretary of the Treasury be directed to report the list of securities which he has authorized to be accepted as security for Government deposits in national bank depositaries and what has actually been accepted as such security; and further, that he be directed to transmit to the Senate copies of all letters, telegrams, or other communications to or from Government officials relating to the recent Treasury Circular No. 5.

IMPORTATION OF TEAS.

Mr. POINDEXTER submitted the following resolution (S. Res. 480), which was ordered to lie on the table and be printed:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate copies of all correspondence, rulings, reports, and orders to or from officials of the Treasury Department during the years 1911 and 1912 relative to the importation into this country of green teas or colored teas and all documents and papers relating thereto in the possession of or under the control of the Secretary of the Treasury, together with a statement showing the importation of green teas into this country during the years 1911 and 1912, by whom imported, and the amount so imported.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to 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 requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, 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. McCUMBER, Mr. BURNHAM, and Mr. SHIVELY conferees on the part of the Senate.

HOUSE BILLS REFERRED.

H. R. 28812. An act making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 398. Joint resolution to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions, was read twice by its title and referred to the Committee on the District of Columbia.

COURT LIBRARIES FOR NORTHERN DISTRICT OF OHIO.

Mr. BORAH. I ask unanimous consent to submit a report from the Committee on the Judiciary. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district, to report it favorably without amendment, and I submit a report (No. 1325) thereon.

Mr. POMERENE. I ask unanimous consent for the present consideration of the bill.

Mr. BURNHAM. I am not aware as to what this particular report is, but I hope the Senator will not insist upon its present consideration.

Mr. POMERENE. It is not a matter that there will be any discussion about.

Mr. BURNHAM. We have been trying to avoid all matters of that kind.

Mr. POMERENE. Then I suggest that the bill lie on the table for the time being.

The PRESIDENT pro tempore. The bill will lie on the table.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LOUDENSLAGER.

Mr. BRIGGS. I desire to give notice that on March 1 I shall ask the Senate to consider resolutions commemorative of the life and public character of Hon. HENRY C. LOUDENSLAGER, late a Member of the House of Representatives from the State of New Jersey.

AGRICULTURE APPROPRIATION BILL.

Mr. BURNHAM. I move that the Senate proceed to the consideration of House bill 28283, the agricultural appropriation bill.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire.

Mr. McCUMBER. Mr. President, a word upon that first. We ought to have an understanding as to what we are going to do.

The PRESIDENT pro tempore. The motion is not debatable except by unanimous consent.

Mr. McCUMBER. I ask unanimous consent. I wish to know if we can not at some time take up the calendar, when we can dispose of a few pension bills in time to get them over to the House. They ought to be passed. It is proposed that we shall proceed with the consideration of the appropriation bill rather out of order, as the morning business has not been called. We ought properly to take up the calendar during the morning hour. I fear if we pass over even another day without passing the Senate bills it will be impossible to get them through the House.

Mr. TOWNSEND. I suggest that the Senator ask unanimous consent for their consideration.

Mr. McCUMBER. I intended to do that, but the Senator from New Hampshire made a motion to take up the agricultural appropriation bill.

Mr. BURNHAM. I would be very glad to join the Senator, but this bill has been delayed somewhat. It is one of the most important of our appropriation bills, and I feel that we ought to proceed now with its consideration.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. BURNHAM. I ask 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.

The PRESIDENT pro tempore. Without objection it is so ordered. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 1, line 10, before the word "Secretary," to insert "There shall be a"; on page 2, line 1, after the word "Agriculture," to strike out "$5,000" and insert "$6,000"; in line 2, after the words "chief clerk," to strike out "$2,000," and insert "$3,000, and $500 additional as custodian of buildings"; in line 8, after the word "clerk," to strike out "$2,000" and insert "$2,250"; in line 10, after the word "each," to insert "six law clerks, at $2,250 each"; in line 11, before the word "law," to strike out "ten" and insert "eight"; in the same line, after the word "each" to strike out "eight" and insert "four"; in line 14, before the word "clerks," to strike out "two" and insert "three"; in line 15, before the word "clerks," to strike out "ten" and insert "nine," and in line 19, after the word "engineer," to strike out "who shall be captain of the watch," so as to read:

Salaries, Office of the Secretary of Agriculture: There shall be a Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $6,000; solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $1,600; stenographer to the Assistant Secretary of Agriculture, $1,400; 1 appointment clerk, $2,250; 1 chief of supply division, $2,000; 1 inspector, $2,750; 1 law clerk, $3,000; 2 law clerks, at $2,500 each; 6 law clerks, at $2,250 each; 1 law clerk, $2,200; 8 law clerks, at $2,000 each; 4 law clerks, at $1,800 each; 3 law clerks, at $1,600 each; 1 special agent on exhibits, $3,000; 1 telegraph and telephone operator, $1,600; 3 clerks, class 4; 6 clerks, class 3; 9 clerks, class 2; 18 clerks, class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 14 messengers or laborers, at $840 each; 10 assistant messengers or laborers, at $720 each; 1 chief engineer, $2,000.

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the word "Secretary" to strike out "$301,120" and insert "$305,070," so as to read:

Total for Office of the Secretary, $305,070.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 3, line 18, before the words "chief of bureau," to strike out "One" and insert "There shall be one"; in the same line, after the words "chief of bureau," to strike out "$4,500" and insert "$6,000"; in line 21, before the words "chiefs of division," to strike out "two" and insert "three," and in the same line, before the word "clerks," to strike out "eight" and insert "seven," so as to read:

Salaries, Weather Bureau: There shall be one chief of bureau, $6,000; one assistant chief of bureau, $3,250; one chief clerk and executive assistant, $3,000; one chief of printing division, $2,500; three chiefs of division, at $2,000 each; seven clerks.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Weather Bureau, on page 4, line 15, before the word "messengers," to strike out "27" and insert "37," and in line 20, after the words "in all," to strike out "$323,260" and insert "$329,460," so as to read:

Six messengers, messenger boys, or laborers, at $660 each; 37 messengers, messenger boys, or laborers, at $600 each; 87 messengers, messenger boys, or laborers, at $480 each; 5 messengers, messenger boys, or laborers, at $450 each; 27 messenger boys, at $360 each; 1 charwoman, $360; 3 charwomen, at $240 each; in all, $329,460.

The amendment was agreed to.

The next amendment was, on page 5, line 24, after the word "employees," to strike out "$585,000" and insert "$590,500," so as to read:

For the employment of professors of meteorology, inspectors, district forecasters, local forecasters, section directors, research observers, observers, assistant observers, operators, skilled mechanics, repairmen, station agents, messengers, messenger boys, laborers, and other necessary employees, $590,500.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "expenses" to strike out "$105,500" and insert "$106,500," so as to read:

For fuel, gas, electricity, freight and express charges, furniture, stationery, and all other necessary supplies and miscellaneous expenses, $106,500.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "thereto," to strike out "$42,500" and insert "$43,500," so as to read:

For instruments, shelters, apparatus, storm-warning towers, and repairs thereto, $43,500.

The amendment was agreed to.

The next amendment was, on page 6, line 10, after the word "grounds," to strike out "$99,000" and insert "$100,000," so as to read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia, and care and preservation of grounds, including construction of necessary outbuildings and sidewalks on public streets abutting Weather Bureau grounds, $100,000.

The amendment was agreed to.

The next amendment was, on page 6, line 15, after the word "service," to strike out "$305,000" and insert "$306,000," so as to read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $306,000.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "men," to strike out "$115,000" and insert "$126,000," so as to read:

For investigations in climatology and evaporation, including the erection of temporary buildings for living quarters for observers, for river, rain, snow, ice, crop, evaporation, aerial, storm, hurricane, and other observations, warnings, and reports, and for pay of special observers and display men, $126,000.

The amendment was agreed to.

The next amendment was, on page 7, line 11, after the word "work," to strike out "$40,000" and insert "$50,000," so as to read:

For the acquisition of sites outside of the District of Columbia and the erection thereon of two buildings for use as Weather Bureau observatories, to be constructed under the supervision of the Chief of the Weather Bureau, plans and specifications to be approved by the Secretary of Agriculture, and for all necessary labor, materials, and expenses connected with this work, $50,000.

The amendment was agreed to.

The next amendment was, on page 7, line 12, after the word "expenses," to strike out "$1,337,250" and insert "$1,367,750," so as to read:

In all, for general expenses, $1,367,750.

The amendment was agreed to.

The next amendment was, on page 7, line 13, after the words "Weather Bureau," to strike out "$1,685,510" and insert "$1,722,210," so as to read:

Total for Weather Bureau, $1,722,210.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Animal Industry," on page 7, line 16, before the words "chief of bureau," to strike out "One" and insert "There shall be one"; in the same line, after the word "bureau," to strike out "$3,000" and insert "$5,000," and in line 17, after the word "clerk," to strike out "$1,500" and insert "$2,750," so as to read:

Salaries, Bureau of Animal Industry: There shall be 1 chief of bureau, $5,000; 1 chief clerk, $2,750.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Animal Industry, on page 8, line 21, after the words "in all," to strike out "$359,250" and insert "$359,500," so as to read:

Eleven charwomen, at $480 each; 4 charwomen, at $360 each; 1 charwoman, $300; 2 charwomen, at $240 each; in all, $359,500.

The amendment was agreed to.

The next amendment was, on page 11, line 8, after the word "animals," to strike out "$620,000" and insert "$654,000," and in the same line, after the word "*Provided*," to strike out "That of this sum not less than $45,000 shall be set aside for demonstrating the best method of preventing hog cholera" and insert "That of this sum not less than $3,000 may be used for the erection of a superintendent's dwelling on the ground of the United States animal quarantine station for the port of Boston at Littleton, Mass.," so as to read:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and the alteration of buildings thereon, the inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals, $654,000: *Provided*, That of this sum not less than $3,000 may be used for the erection of a superintendent's dwelling on the ground of the United States animal quarantine station for the port of Boston at Littleton, Mass.

The amendment was agreed to.

The next amendment was, on page 12, line 4, after the word "markets," to strike out "$177,900" and insert "$200,000," so as to read:

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated butter factories and markets, $200,000.

The amendment was agreed to.

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

That from and after July 1, 1913, it shall be unlawful for any person, firm, or corporation to prepare, sell, barter, or exchange in the District of Columbia, or in the Territories, or in any place under the jurisdiction of the United States, or to ship or deliver for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product intended for use in the treatment of domestic animals, and no person, firm, or corporation shall prepare, sell, barter, exchange, or ship as aforesaid any virus, serum, toxin, or analogous product manufactured within the United States and intended for use in the treatment of domestic animals, unless and until the said virus, serum, toxin, or analogous product shall have been prepared, under and in compliance with regulations prescribed by the Secretary of Agriculture, at an establishment holding an unsuspended and unrevoked license issued by the Secretary of Agriculture as hereinafter authorized. That the importation into the United States, without a permit from the Secretary of Agriculture, of any virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and the importation of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, are hereby prohibited. The Secretary of Agriculture is hereby authorized to cause the Bureau of Animal Industry to examine and inspect all viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are being imported or offered for importation into the United States, to determine whether such viruses, serums, toxins, and analogous products are worthless, contaminated, dangerous, or harmful, and if it shall appear that any such virus, serum, toxin, or analogous product, for use in the treatment of domestic animals, is worthless, contaminated, dangerous, or harmful, the same shall be denied entry and shall be destroyed or returned at the expense of the owner or importer. That the Secretary of Agriculture be, and hereby is, authorized to make and promulgate from time to time such rules and regulations as may be necessary to prevent the preparation, sale, barter, exchange, or shipment as aforesaid of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals, and to issue, suspend, and revoke licenses for the maintenance of establishments for the preparation of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, intended for sale, barter, exchange, or shipment as aforesaid. The Secretary of Agriculture is hereby authorized to issue permits for the importation into the United States of viruses, serums, toxins, and analogous products, for use in the treatment of domestic animals, which are not worthless, contaminated, dangerous, or harmful. All licenses issued under authority of this act to establishments where such viruses, serums, toxins, or analogous products are prepared for sale, barter, exchange, or shipment as aforesaid, shall be issued on condition that the licensee shall permit the inspection of such establishments and of such products and their preparation; and the Secretary of Agriculture may suspend or revoke any permit or license issued under authority of this act, after opportunity for hearing has been granted the licensee or importer, when the Secretary of Agriculture is satisfied that such license or permit is being used to facilitate or affect the preparation, sale, barter, exchange, or shipment as aforesaid, or the importation into the United States of any worthless, contaminated, dangerous, or harmful virus, serum, toxin, or analogous product for use in the treatment of domestic animals. That any officer, agent, or employee of the Department of Agriculture duly authorized by the Secretary of Agriculture for the purpose may, at any hour during the daytime or nighttime, enter and inspect any establishment licensed under this act where any virus, serum, toxin, or analogous product for use in the treatment of domestic animals is prepared for sale, barter, exchange, or shipment as aforesaid. That any person, firm, or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not exceeding $1,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended as the Secretary of Agriculture may direct, for the purposes and objects of this act, the sum of $25,000, which appropriation shall become available on July 1, 1913, and may be expended at any time before July 1, 1914.

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the words "general expenses," to strike out "$1,310,446," and insert "$1,394,046," so as to read:

In all, for general expenses, $1,394,046.

The amendment was agreed to.

The next amendment was, on page 16, after line 9, to insert:

And hereafter the Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 16, line 18, after the word "breeding," to insert "and the exhibition of animals and animal products," so as to read:

Cooperative experiments in animal feeding and breeding: For experiments in animal feeding and breeding, and the exhibition of animals and animal products, including cooperation with the State agricultural experiment stations, including the repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, and the experiments in the breeding of horses for military purposes, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $100,000.

The amendment was agreed to.

The next amendment was, on page 17, line 7, after the words "sum of," to strike out "$200,000," and insert "$250,000," so as to read:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June 30, 1906 (36 Stats. L., p. 674), there is hereby appropriated for the fiscal year ending June 30, 1914, the sum of $250,000.

The amendment was agreed to.

The next amendment was, on page 17, line 8, after the words "Animal Industry," to strike out "$1,969,696," and insert "$2,103,546," so as to read:

Total for Bureau of Animal Industry, $2,103,546.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Plant Industry," on page 17, line 12, before the words "plant physiologist," to strike out "One" and insert "There shall be one"; in line 14, after the word "distribution," to strike out "$2,250" and insert "$2,500"; in line 15, after the word "publications," to strike out "$2,000" and insert "$2,250"; in line 16, after the word "records," to strike out "$2,000" and insert "$2,100"; and in line 18, before the word "executive," to strike out "three" and insert "four," so as to read:

Salaries, Bureau of Plant Industry: There shall be one plant physiologist and pathologist, who shall be chief of bureau, $5,000; one chief clerk, $2,500; one executive assistant in seed distribution, $2,500; one officer in charge of publications, $2,250; one landscape gardener, $1,800; one officer in charge of records, $2,100; one superintendent of seed weighing and mailing, $2,000; one executive clerk, $2,250; four executive clerks, at $1,980 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Bureau of Plant Industry, on page 18, line 1, before the word "messengers," to strike out "thirty-six" and insert "twenty-eight"; in the same line, after the word "messengers," to strike out "gardeners"; in line 13, after "$600," to strike out "one gardener" and insert "two gardeners, at"; in line 14, after "$1,440," insert "each"; in line 15, before the word "gardeners," to strike out "two" and insert "four"; in the same line, after the word "each," to strike out "one gardener" and insert "eight gardeners, at"; in line 16, after "$1,100," insert "each"; in line 17, before the word "gardeners," to strike out "two gardeners or assistants, at $1,000 each; seven" and insert "fifteen"; in line 18, before the word "gardeners," to strike out "four gardeners, at $840 each; four" and insert "nineteen"; in line 20, before the words "one skilled laborer," to strike out "eight gardeners, at $720 each; five gardeners, at $660 each; two gardeners at $600 each"; in line 21, before the word "skilled," to strike out "four" and insert "three"; in the same line, after the word "laborers," to strike out "or gardeners"; and on page 19, line 7, after the words "in all," to strike out "$418,920" and insert "$429,420," so as to read:

Twenty-four clerks, at $840 each; 15 clerks, at $720 each; 28 messengers or laborers, at $720 each; 11 messengers, messenger boys, or laborers, at $660 each; 20 messengers, messenger boys, or laborers, at $600 each; 1 artist, $1,620; 1 clerk or artist, $1,200; 1 assistant in illustrations, $840; 1 photographer, $1,400; 1 photographer, $1,200; 1 photographer, $900; 1 laboratory aid, $1,440; 1 laboratory aid, $1,380; 3 laboratory aids, at $1,200 each; 1 laboratory aid, $1,080; 2 laboratory aids, at $1,020 each; 5 laboratory aids, at $840 each; 8 laboratory aids, at $720 each; 6 laboratory aids, at $600 each; 1 laboratory apprentice, $720; 2 map tracers, at $720 each; 1 map tracer, $600; 2 gardeners, at $1,440 each; 4 gardeners, at $1,200 each; 8 gardeners, at $1,100 each; 15 gardeners, at $900 each; 19 gardeners, at $780 each; 1 skilled laborer, $960; 1 skilled laborer, $900; 3 skilled laborers, at $840 each; 1 assistant in technology, $1,400; 1 assistant in technology, $1,380; 1 mechanical assistant, $1,200; 1 blacksmith, $900; 1 carpenter, $900; 1 painter, $900; 1 teamster, $840; 1 teamster, $600; 19 laborers, at $540 each; 24 laborers, messengers, or messenger boys, at $480 each; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $360 each; 2 laborers, at $420 each; 8 charwomen, at $240 each; 8 messenger boys, at $360 each; 3 messenger boys, at $300 each; in all, $429,420.

The amendment was agreed to.

The next amendment was, on page 20, line 8, after the word "thereof," to strike out "$30,380" and insert "$35,740," so as to read:

For investigating the physiology of crop plants and for testing and breeding varieties thereof, $35,740.

The amendment was agreed to.

The next amendment was, on page 20, line 14, after the word "selection," to strike out "$33,300" and insert "$43,300," so as to read:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton by cultural methods, breeding, and selection, $43,300.

The amendment was agreed to.

The next amendment was, on page 20, line 22, after the word "thereto," to strike out "$26,000" and insert: "$46,120: *Provided*, That of the sum thus appropriated, not to exceed $6,000 may be used in cooperation with textile schools for testing the tensile strength and bleaching qualities of the different grades of cotton as standardized by the Government," so as to read:

For investigating the ginning, handling, grading, baling, and wrapping of cotton, and the establishment of standards for the different grades thereof, and for carrying into effect the provisions of law relating thereto, $46,120: *Provided*, That of the sum thus appropriated, not to exceed $6,000 may be used in cooperation with textile schools for testing the tensile strength and bleaching qualities of the different grades of cotton as standardized by the Government.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "thereof," to strike out "$65,000" and insert "$75,640," so as to read:

For investigating the handling, grading, and transportation of grain, and the fixing of definite grades thereof, $75,640.

The amendment was agreed to.

The next amendment was, on page 21, line 7, after the word "authorized," to strike out "$18,000" and insert "$23,655," so as to read:

For biophysical investigations in connection with the various lines of work herein authorized, $23,655.

The amendment was agreed to.

The next amendment was, on page 21, line 24, after the word "production," to strike out "$25,000" and insert "$35,000," so as to read:

For the investigation and improvement of forage crops and methods of forage-crop production, $35,000.

The amendment was agreed to.

The next amendment was, on page 22, line 20, after the word "conditions," to strike out "$125,000" and insert "$130,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph," so as to read:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $130,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph.

The amendment was agreed to.

The next amendment was, on page 23, line 8, after the word "regions," to strike out "$73,000" and insert "$78,000," so as to read:

For investigations in connection with western irrigation agriculture, the utilization of lands reclaimed under the reclamation act, and other areas in the arid and semiarid regions, $78,000.

The amendment was agreed to.

Mr. JONES. Mr. President, referring to items preceding the one now reached, the appropriation of $375,000, "to investigate and encourage the adoption of improved methods of farm management and farm practice, and for farm demonstration work," I offered an amendment, or, rather, had one referred to the committee, increasing the appropriation to $600,000. I did that because I found out by investigation at the department that the requests for work of this character and for agents to illustrate detailed farm management were far more than the department with the present appropriation were able to comply with. I was informed at the department that they were taking care of about 150 requests of this character, and that about 270 had come in. I was led to look into this matter because of the requests from my State, especially in the first section, for cooperation with the local authorities by the Agriculture Department, and the department informed me that they were unable to comply with these requests. I should like to have the Senator in charge of the bill explain why this appropriation was not increased somewhat.

Mr. BURNHAM. The amendment suggested in the statement of the Senator from Washington was very carefully considered by the committee. The amount in the item, $375,000, corresponds to the same amount in the next item—the appropriation of $375,000 for farmers' cooperative demonstration and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil. It was thought that the amount was sufficient for the department. The committee understood from the department that the appropriation in the two items is substantially all that could be taken care of.

I wish to call attention to the fact that last year the appropriation was $300,000 for improved farm management and the committee increased that $75,000, making it $375,000. These

two items are considered together and have a corresponding purpose. The amount has been increased very largely in the last two or three years for this particular character of appropriation, and the committee thought that the amount allowed here was all that the department could handle.

Mr. JONES. I should like to ask the Senator why these two items occur separately? Why are they not put in the same item—because I would judge by the language that the work is very much the same?

Mr. BURNHAM. Mr. President, that question has come to the committee, and inquiry has been made of the department. The committee understands from the department that while the work corresponds in a degree, yet, with the organization, the department has divided up the work in such a way that it is not convenient to make the change.

Mr. JONES. Is it not a fact that a very large proportion of the second item is used in connection with the boll weevil work?

Mr. BURNHAM. I think that in the beginning the appropriations for meeting the ravages of the cotton boll weevil were largely devoted to the cotton boll weevil, but since then the demonstration work has broadened out in the South until it has come to embrace considerably more than the cotton boll weevil.

Mr. JONES. Is it not a fact that the appropriation is largely used in States that are affected by the boll weevil or that are likely to be affected by it?

Mr. BURNHAM. That may be so; but though the work has been carried on against the boll weevil, considerable sums have been expended outside of those States.

Mr. JONES. My understanding has been that that amount has been almost, if not exclusively, used in those States and sections, so that none of it is available for general farm demonstration work throughout the different sections of the country.

Mr. BURNHAM. Mr. President, while I have an impression that quite a large part of it has been devoted to stay the ravages of the cotton-boll weevil, yet a substantial part has been devoted to other purposes; but how it has been divided I can not say.

Mr. JONES. I have no doubt that the money is well used, and I do not object; but I should like to have a larger amount of money so that general farm-demonstration work in the different States of the Union can be carried on. I know the demands upon the committee; I know the committee has considered this matter very carefully, and that they have probably given all they felt they ought to give in this bill. I am not complaining at the action of the committee, and I am not going to offer an amendment to increase this amount, but I should like to see a more liberal appropriation made that could be used, and would be used, throughout the States generally for the purpose of improving farm methods, because I do not believe that we can expend money in any manner better than in improving farm methods and the methods of farm management.

Mr. SMITH of Georgia. Mr. President, if the chairman will allow me, I should like also to say to the Senator from Washington [Mr. JONES] that we have pending a bill which provides for large appropriations to be handled through the local authorities—the State colleges of agriculture—for demonstration work.

Mr. TOWNSEND. May I ask the Senator from Georgia if there is any probability of getting that bill out of the committee?

Mr. SMITH of Georgia. Yes; we are going to have another meeting to-day, and are going to try to do so; but, if we do not, we will have to come back to the Senate and lay the situation before it. The matter would still be in the hands of the Senate. I am seeking to urge upon the House conferees some concessions that they can put through, and I still have a hope that we may obtain them. Whether we do or not, however, I think we may confidently rely in the very near future upon the passage of a bill which will provide for a large appropriation, to be duplicated by the States, to be used in each one of the States, through the State colleges of agriculture, for farm-demonstration work. I hope that we may pass it at this session; but, if we do not, the matter will certainly come up afterwards at the next session. The House is committed to it, and I think the Senate is also. So I feel sure that the distribution will take place and that the work which the Senator from Washington advocates will proceed upon even a much broader plan than it has in the past. I think he can confidently rely upon that, and I most earnestly advocate it. I believe the Department of Agriculture thought we were giving them all that they, from a central organization, could successfully handle with their present system.

Mr. BURNHAM. Mr. President, I desire to say that the committee felt like making as large an appropriation as they would be justified in making, but the increase of $75,000 in this item and the increase of a large amount in the next item was all that they felt ought to be made at present. The department assured the committee that the amount allowed was all that they could reasonably care for at this time.

Mr. JONES. Mr. President, with reference to the suggestion of the Senator from Georgia [Mr. SMITH], I earnestly hope that the committee of conference will be able to get together on the measure to which he refers. I can see no reason why it should not do so. The Senate and the House both concur in a certain portion of that bill, and it seems to me that, with reasonable concessions, we ought to get a good measure and pass it at this session.

I find this situation: Several localities in my State would like to have somebody to work with them in the matter provided for in the first paragraph here, the adoption of improved methods of farm management, and so forth. They have made their application to the department, but the department has said that, with the work in hand and the present appropriations, it could not comply with those requests. Those localities are ready to put up money practically to pay the salary of the man whom the department will furnish, if the department will furnish the man. We ought to be able to do that. Furthermore, those localities ought not be required to pay all of this amount. That was the reason I had urged that this appropriation should be increased. Now, it appears that a considerable increase has been made over last year. I know the committee has done the best it could and the best that it felt that it ought to do, and I am not going to urge a further increase; but I do hope that, with the increase made, the Agricultural Department will find it possible to meet some of the requests, at any rate.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 23, line 12, after "$92,000," to strike out "*Provided*, That $5,000 of the amount hereby appropriated may be set aside and used in the investigation and improvement of the pecan industry," so as to read:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, packing, storing, handling, and shipping, and for experimental shipments of fruits within the United States and to foreign countries, $92,000.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the word "houses," to strike out "$12,410" and insert "$11,690," so as to read:

To cultivate and care for experimental gardens and grounds, manage and maintain conservatories, greenhouses, and plant and fruit propagating houses, $11,690.

The amendment was agreed to.

The next amendment was, on page 24, line 2, after the word "subjects," to strike out "$40,000" and insert "$50,960," so as to read:

For horticultural investigations, including the study of producing, handling, shipping, and marketing truck and related crops, including the continuance of the potato and sugar-beet seed work provided for in the agricultural act of August 10, 1912 (37 Stat. L., p. 301), and the study of landscape and vegetable gardening, floriculture, and related subjects, $50,960.

The amendment was agreed to.

The next amendment was, on page 24, after line 13, to insert:

For continuing the study of rice production and investigating the acclimatization, adaptation, cultivation, irrigation, and development of high-yielding types of rice, and for experimenting with new methods of controlling red rice, and for developing and putting into practice the methods of control already discovered, $10,000.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the words "general expenses," to strike out "$1,892,245" and insert "$1,989,260," so as to read:

In all, for general expenses, $1,989,260.

The amendment was agreed to.

The next amendment was, in the item of appropriation for purchase and distribution of valuable seeds, on page 25, line 11, after the word "elsewhere," to strike out "$296,000" and insert "$295,100," and in line 12, after the word "than," to strike out "$257,000" and insert "$256,100," so as to read:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $295,100, of which amount not less than $256,100 shall be allotted for congressional distribution.

The amendment was agreed to.

The next amendment was, on page 27, line 23, after the words "Plant Industry," to strike out "$2,607,165," and insert "$2,713,780," so as to read:

Total for Bureau of Plant Industry, $2,713,780.

The amendment was agreed to.

The next amendment was, under the head of "Forest Service," on page 28, line 2, before the word "Forester," to strike out "One" and insert "There shall be one"; in line 3, after the word assistant," to strike out "2,000" and insert "2,250"; in line 16, after the word "auditor," to strike out "$1,800' and insert "$2,000"; and in line 17, before the word "clerks," where it occurs the second time, to strike out "eleven" and insert "fourteen," so as to read:

Salaries, Forest Service: There shall be one Forester, who shall be chief of bureau, $5,000; 1 administrative assistant, $2,250; 1 forest supervisor, $2,700; 1 forest supervisor, $2,600; 5 forest supervisors, at $2,400 each; 20 forest supervisors, at $2,200 each; 48 forest supervisors, at $2,000 each; 66 forest supervisors, at $1,800 each; 10 forest supervisors, at $1,600 each; 4 deputy forest supervisors, at $1,700 each; 27 deputy forest supervisors, at $1,600 each; 31 deputy forest supervisors, at $1,500 each; 18 deputy forest supervisors, at $1,400 each; 2 forest rangers, at $1,500 each; 21 forest rangers, at $1,400 each; 78 forest rangers, at $1,300 each; 286 forest rangers, at $1,200 each; 690 assistant forest rangers, at $1,100 each; 1 property auditor $2,000; 1 clerk, $2,100; 3 clerks, at $2,000 each; 14 clerks, at $1,800 each.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries, Forest Service, on page 30, line 1, after the words "in all," to strike out "$2,235,960" and insert "$2,241,810," so as to read:

In all, $2,241,810.

The amendment was agreed to.

The next amendment was, on page 38, line 24, after "$3,800," to insert "and not to exceed $2,000 may be expended in the erection of a headquarters building," so as to read:

Wichita National Forest, Okla., $3,800, and not to exceed $2,000 may be expended in the erection of a headquarters building.

The amendment was agreed to.

The next amendment was, on page 40, line 19, after the word "equipment," to strike out "$155,000" and insert "$168,000," so as to read:

For the purchase and maintenance of necessary field, office, and laboratory supplies, instruments, and equipment, $168,000.

The amendment was agreed to.

The next amendment was, on page 41, line 2, after the word "products," to strike out "$120,000" and insert "$170,000," so as to read:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing and the testing of such woods as may require test to ascertain if they be suitable for making paper, and for other investigations and experiments to promote economy in the use of forest products, $170,000.

The amendment was agreed to.

The next amendment was, on page 41, line 5, after the word "means," to strike out "$20,180" and insert "$25,820," so as to read:

For experiments and investigations of range conditions within national forests, and of methods for improving the range by reseeding, regulation of grazing, and other means, $25,820.

The amendment was agreed to.

The next amendment was, on page 42, line 5, after "$400,000," to insert "*Provided*, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines," so as as to read:

For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other improvements necessary for the proper and economical administration, protection, and development of the national forests, $400,000: *Provided*, That hereafter the Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines.

The amendment was agreed to.

The next amendment was, on page 42, line 22, before the words "per cent," to strike out "ten" and insert "twenty," so as to read:

That an additional 20 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913, shall be available at the end thereof, to be expended by the Secretary of Agriculture for the construction and maintenance of roads and trails within the national forests in the States from which such proceeds are derived; but the Secretary of Agriculture may, whenever practicable, in the construction and maintenance of such roads, secure the cooperation or aid of the proper State or Territorial authorities in the furtherance of any system of highways of which such roads may be made a part.

The amendment was agreed to.

Th next amendment was, on page 43, line 8, after the words "general expenses," to strike out "$3,110,299" and insert "$3,198,939," so as to read:

In all, for general expenses, $3,198,939.

The amendment was agreed to.

The next amendment was, on page 43, after line 14, to insert:

That hereafter the Secretary of Agriculture is authorized to reimburse owners of horses, vehicles, and other equipment lost, damaged, or destroyed while being used for necessary fire fighting, trail, or official business, such reimbursement to be made from any available funds in the appropriation to which the hire of such equipment is properly chargeable.

The amendment was agreed to.

The next amendment was, on page 43, after line 20, to insert:

That hereafter the employees of the Forest Service who are assigned to permanent duty in Alaska may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year.

The amendment was agreed to.

The next amendment was, on page 44, line 4, after the words "Forest Service," to strike out "$5,346,259" and insert "$5,440,749," so as to read:

Total for Forest Service, $5,440,749.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Chemistry," on page 44, line 6, after the word "Chemistry," to insert "there shall be one chemist, who shall be chief of bureau, $5,000"; in line 7, before the word "chief," to strike out "One" and insert "one"; in line 15, before the word "food," to strike out "ten" and insert "thirteen"; in line 16, before the word "food," to strike out "fourteen" and insert "thirteen"; in line 17, before the word "food," to strike out "thirteen" and insert "eleven"; and on page 45, line 9, after the words "in all," to strike out "$272,860" and insert "$273,860," so as to read:

Salaries, Bureau of Chemistry: There shall be 1 chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000; 1 supervising clerk, $2,500; 1 executive clerk, $2,000; 7 clerks, class 4; 9 clerks, class 3; 1 clerk, $1,440; 12 clerks, class 2; 1 clerk, $1,300; 18 clerks, class 1; 13 clerks, at $1,020 each; 11 clerks, at $1,000 each; 22 clerks, at $900 each; 1 clerk, $840; 1 chief food and drug inspector, $3,000; 1 food and drug inspector, $2,250; 13 food and drug inspectors, at $2,000 each; 13 food and drug inspectors, at $1,800 each; 1 food and drug inspector, $1,620; 11 food and drug inspectors, at $1,600 each; 4 food and drug inspectors, at $1,400 each; 4 laboratory helpers, at $1,200 each; 1 laboratory helper, $1,020; 4 laboratory helpers, at $1,000 each; 4 laboratory helpers, at $960 each; 2 laboratory helpers, at $900 each; 6 laboratory helpers, at $840 each; two laboratory helpers, at $780 each; 20 laboratory helpers, messengers, or laborers, at $720 each; 2 laboratory helpers, messengers, or laborers, at $660 each; 26 laboratory helpers, messenger boys, or laborers, at $600 each; 1 laboratory assistant, $1,200; 1 tool maker, $1,200; 1 sampler, $1,200; 1 janitor, $1,020; 1 student assistant, $300; 2 messengers, at $840 each; 1 skilled laborer, $1,050; 1 skilled laborer, $840; 2 messenger boys or laborers, at $540 each; 8 messenger boys or laborers, at $480 each; 3 messenger boys or laborers, at $420 each; 1 messenger boy or laborer, $360; 6 charwomen, at $240 each; in all, $273,860.

The amendment was agreed to.

The next amendment was, on page 46, line 1, after the word "agriculture," to strike out "$65,000" and insert "$70,000," so as to read:

For conducting the investigations contemplated by the act of May 15, 1862, relating to the application of chemistry to agriculture, $70,000.

The amendment was agreed to.

The next amendment was, on page 46, line 6, after the word "work," to strike out "$35,000" and insert "$40,000," so as to read:

For collaboration with other departments of the Government desiring chemical investigations and whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work, $40,000.

The amendment was agreed to.

The next amendment was, on page 46, line 16, after the word "expenses," to strike out "$104,280" and insert "$114,280," so as to read:

In all, for general expenses, $114,280.

The amendment was agreed to.

The next amendment was, on page 47, line 5, after the words "District of Columbia," to strike out "$675,000" and insert "$700,000," so as to read:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia, $700,000.

The amendment was agreed to.

The next amendment was, on page 47, line 6, after the words "Bureau of Chemistry," to strike out "$1,052,140" and insert "$1,088,140," so as to read:

Total for Bureau of Chemistry, $1,088,140.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 47, line 9, before the words "soil physicist," to strike out "One" and insert "There shall be one"; in line 13, before the word "clerks," where it occurs the first time, to strike out "eight" and insert "nine"; in line 24, after "$1,800," to insert "one soil cartographer, $1,600"; in line 16, before the word "draftsmen," to strike out "three" and insert "four"; and in line 19, after the words "in all," to strike out "$52,420" and insert "$56,420," so as to read:

Salaries, Bureau of Soils: There shall be one soil physicist, who shall be chief of bureau, $4,000; one chief clerk, $2,000; one executive assistant, $2,000; three clerks, class 4; two clerks, class 3; four clerks, class 2; one clerk, $1,260; nine clerks, class 1; four clerks, at $1,000 each; three clerks, at $900 each; one soil cartographer, $1,800; one soil cartographer, $1,600; one soil bibliographer, $1,400; one photographer, $1,200; four draftsmen, at $1,200 each; one draftsman, $1,000; one messenger, $840; three messengers, messenger boys, or laborers, at $480 each; one laborer, $600; one laborer, $300; one charwoman or laborer, $480; in all, $56,420.

The amendment was agreed to.

The next amendment was, on page 48, line 24, after the word "determine," to strike out "a"; in the same line, after the word "possible," to strike out "source" and insert "sources"; in the same line, after the word "supply," to insert "and methods of utilization"; and on page 49, line 1, after the word "other," to strike out "natural fertilizers, $25,000," and insert "fertilizer material, $35,000," so as to read:

For exploration and investigation within the United States to determine possible sources of supply and methods of utilization of potash, nitrates, and other fertilizer material, $35,000.

The amendment was agreed to.

The next amendment was, on page 49, after line 2, to insert:

For the investigation of the relation of soils to drainage and seepage waters, $5,000.

The amendment was agreed to.

The next amendment was, on page 49, line 7, after the word "investigations," to strike out "$175,000" and insert "$195,000," so as to read:

For the investigation of soils and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $195,000.

The amendment was agreed to.

The next amendment was, on page 49, line 13, after the words "general expenses," to strike out "$280,400" and insert "$315,400," so as to read:

In all, for general expenses, $315,400.

The amendment was agreed to.

The next amendment was, on page 49, line 14, after the words "Bureau of Soils," to strike out "$332,820" and insert "$371,820," so as to read:

Total for Bureau of Soils, $371,820.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Entomology," on page 49, line 16, after the word "Entomology," to insert "There shall be one entomologist, who shall be chief of bureau, $4,500"; in line 17, after "$4,500," to strike out "one executive assistant, $2,250," and insert "one chief clerk, $2,500"; in line 18, after "$2,500," to strike out "one chief clerk, $1,800," and insert "one executive clerk, $2,000"; in line 20, before the words "class four," to strike out "one clerk" and insert "two clerks"; on page 50, line 4, before the word "one," where it occurs the second time, to strike out "one mechanic, $750," and in line 6, after the words "in all," to strike out "$59,910" and insert "$61,410," so as to read:

Salaries, Bureau of Entomology: There shall be one entomologist, who shall be chief of bureau, $4,500; one chief clerk, $2,500; one executive clerk, $2,000; two clerks, class 4; three clerks, class 3; six clerks, class 2; five clerks, class one; six clerks, at $1,000 each; one superintendent of moth work, $2,750; one entomological assistant, $1,800; two entomological draftsmen, at $1,400 each; one entomological draftsman, $1,080; four foremen, at $1,080 each; two entomological preparators, at $840 each; one entomological preparator, $720; six entomological preparators, at $600 each; one messenger, $840; two messengers or laborers, at $720 each; one mechanic, $840; one laborer, $540; two charwomen, at $480 each; one charwoman, $240; in all, $61,410.

The amendment was agreed to.

The next amendment was, on page 50, line 21, before the word "nuts," to insert "and," and in the same line, after the word "nuts," to strike out "etc., including investigations of the pear thrips, cranberry insects, and apple maggots, $45,000," and insert "including insects affecting the apple, pear, peach, plum, cherry, grape, cranberry, pecan, walnut, etc., $50,000," so as to read:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, including insects affecting the apple, pear, peach, plum, cherry, grape, cranberry, pecan, walnut, etc., $50,000.

The amendment was agreed to.

The next amendment was, on page 51, line 3, after the words "and so forth," to strike out "$80,000" and insert "$90,000, of which amount not to exceed $10,000 shall be expended for the investigation of the range caterpillar," so as to make the clause read:

For investigations of insects affecting cereal and forage plants, including insects affecting wheat, corn, oats, rye, barley, alfalfa, clover, etc., $90,000, of which amount not to exceed $10,000 shall be expended for the investigation of the range caterpillar.

The amendment was agreed to.

The next amendment was, on page 51, line 9, after the word "forests," to strike out "$44,750" and insert "$50,000," so as to read:

For investigations of insects affecting forests, $50,000.

The amendment was agreed to.

The next amendment was, on page 51, line 15, after the words "bee culture," to strike out "$15,000" and insert "$16,000," so as to read:

For investigations in bee culture, $16,000.

The amendment was agreed to.

The next amendment was, on page 51, line 18, after the words "and so forth," to strike out "$21,500" and insert "$25,000," so as to read:

For investigations of insects affecting tropical and subtropical fruits, including insects affecting the orange, lemon, grapefruit, mango, etc., $25,000.

The amendment was agreed to.

The next amendment was, on page 51, line 25, after the word "machinery," to strike out "$30,000" and insert "$55,000; *Provided*, That $25,000 of said sum shall be expended in investigating the Rocky Mountain spotted-fever tick," so as to read:

For investigations of miscellaneous insects, including the study of insects affecting the health of man and domestic animals, household insects, the importation and exchange of useful insects, and experiments with insecticides and insecticide machinery, $55,000: *Provided*, That $25,000 of said sum shall be expended in investigating the Rocky Mountain spotted-fever tick.

The amendment was agreed to.

The next amendment was, on page 52, line 3, after the words "general expenses," to strike out "$356,250" and insert "$406,000," so as to read:

In all, for general expenses, $406,000.

The amendment was agreed to.

The next amendment was, on page 52, line 14, after the words "Bureau of Entomology," to strike out "$716,160" and insert "$767,410," so as to read:

Total for Bureau of Entomology, $767,410.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Biological Survey," on page 52, line 17, before the word "biologist," to strike out "One" and insert "There shall be one"; in line 18, after the word "clerk," to strike out "$1,800" and insert "$2,000"; in line 19, after the word "preservation," to strike out "$2,000" and insert "$2,250"; and in line 25, after the words "in all," to strike out "$29,740" and insert "$30,190," so as to read:

Salaries, Bureau of Biological Survey: There shall be 1 biologist, who shall be chief of bureau, $3,500; 1 chief clerk, $2,000; 1 assistant in game preservation, $2,250; 2 clerks, class 3; 3 clerks, class 2; 4 clerks, class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 messenger, $720; 1 photographer, $1,300; 1 game warden, $1,200; 1 draftsman, $900; 1 messenger, messenger boy, or laborer, $480; 1 laborer, $600; 1 charwoman, $240; in all, $30,190.

The amendment was agreed to.

The next amendment was, on page 54, after line 2, to insert:

For the establishment and maintenance of a winter elk refuge in the State of Wyoming, $5,000, to be available until expended, and the Secretary of Agriculture is hereby authorized to include in said refuge and to inclose not more than 1,000 acres of unoccupied public lands, which when selected shall be made to conform to the lines of the public surveys, and shall be adjacent to or partly inclosed by said refuge.

The amendment was agreed to.

The next amendment was, on page 54, line 16, after the word "marten," to strike out "$55,000" and insert "$60,000," so as to read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying noxious animals, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $60,000, of which sum $15,000 shall be used for the destruction of ground squirrels on the national forests.

The amendment was agreed to.

The next amendment was, on page 54, line 22, after the word "zones," to strike out "$15,000" and insert "$20,000," so as to read:

For biological investigations, including the relations, habits, geographic distribution, and migration of animals and plants, and the preparation of maps of the life and crop zones, $20,000.

The amendment was agreed to.

The next amendment was, on page 54, after line 22, to insert:

For the establishment of a national game preserve, to be known as the North Dakota National Game Preserve, upon the land embraced

within the boundaries of the Sullys Hill National Park in the State of North Dakota, to be used as a permanent national range for elk, deer, and such other game animals and birds as may be placed therein, $10,000, to be available until expended, and the Secretary of Agriculture is authorized to inclose the said game preserve with a good and substantial fence, to construct thereon all necessary sheds, buildings, and corrals for the proper care and maintenance of the animals, to erect a suitable headquarters, to construct and maintain roads, trails, and other structures necessary for the convenience of visitors, and to incur such other expenses as may be necessary for the proper maintenance of the preserve and the animals placed therein.

The amendment was agreed to.

The next amendment was, on page 55, line 17, after the words "general expenses," to strike out "$121,000" and insert "$146,000," so as to read:

In all, for general expenses, $146,000.

The amendment was agreed to.

The next amendment was, on page 55, line 18, after the words "Biological Survey," to strike out "$150,740" and insert "$176,190," so as to read:

Total for Bureau of Biological Survey, $176,190.

The amendment was agreed to.

The next amendment was, under the head of "Division of Accounts and Disbursements," on page 55, line 21, after the word "Disbursements," to strike out "one" and insert "There shall be one chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000"; in line 24, before the word "assistant," to insert "one"; on page 56, line 3, after the words "chief clerk," to strike out "$2,000" and insert "$2,250"; in line 6, before the word "clerk," where it occurs the first time, to strike out "eleven" and insert "twelve"; and in the same line, before the word "clerks," where it occurs the second time, to strike out "eighteen" and insert "seventeen," so as to read:

Salaries, Division of Accounts and Disbursements: There shall be 1 chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $4,000; 1 assistant chief of division, $2,750; 1 chief of office of accounts and fiscal agent, $2,500; 7 district fiscal agents, at $2,000 each; 1 supervising auditor, $2,250; 1 auditor, $2,000; 1 cashier and chief clerk, $2,250; 1 deputy disbursing clerk, $2,000; 2 accountants and bookkeepers, at $2,000 each; 2 clerks, class 4; 12 clerks, class 3; 17 clerks, class 2; 9 clerks, class 1; 4 clerks, at $1,000 each; 5 clerks, at $900 each; 1 custodian of records and files, $1,400; 1 messenger, $720; 1 messenger or messenger boy, $600.

The amendment was agreed to.

The next amendment was, on page 56, line 11, after the word "Disbursements," to strike out "$104,170" and insert "104,370," so as to read:

Total for Division of Accounts and Disbursements, $104,370.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 56, line 15, before the word "editor," to strike out "one" and insert "there shall be one"; in line 18, before the word "each,' to strike out "$1,800" and insert "$2,000"; in line 18, before the word "each," where it occurs the second time, to strike out "$1,600" and insert "$1,800"; in line 19, after the words "assistant editor," to strike out "$1,500" and insert "$1,600"; in line 21, after the word "illustrations," to strike out "$2,000" and insert "$2,250"; and in line 22, after the word "photographer," to strike out "$1,500" and insert "$1,600," so as to read:

Salaries, Division of Publications: There shall be one editor, who shall be chief of division, $3,250; 1 editor, who shall be assistant chief of division, $2,500; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 assistant editor, $1,400; 1 assistant editor in charge of indexing, $2,000; 1 indexer, $1,400; 1 assistant in charge of illustrations, $2,250; 1 draftsman or photographer, $1,600.

The amendment was agreed to.

The next amendment was in the item of appropriation for salaries, Division of Publications, on page 57, line 3, after "$1,500," to insert "one assistant foreman, miscellaneous distribution, $1,100; one foreman, Farmers' Bulletin distribution, $1,500"; in line 6, after "$1,400," insert "one forewoman, $1,200"; in line 7, after the word "three," to insert "three clerks, class 2"; in the same line, before the word "clerks," to strike out "seven" and insert "five"; in line 10, before the word "skilled," to strike out "nine" and insert "twenty"; in line 12, before the word "skilled," to strike out "sixteen" and insert "twenty-six"; in the same line, after "$1,000," to insert "one assistant chief folder, $960"; in line 13, before the word "folders," strike out "two" and insert "three"; in line 14, after "$1,100," to strike out "one skilled laborer, $1,000" and insert "two skilled laborers, at $1,000 each"; in line 16, before the word "messengers," strike out "two" and insert "four"; in line 20, after "$840," to insert "one laborer, $660"; and in line 22, after the words "in all," to strike out "$165,010" and insert "$199,280," so as to read:

One foreman, miscellaneous distribution, $1,500; 1 assistant foreman, miscellaneous distribution, $1,100; 1 foreman, Farmers' Bulletin distribution, $1,500; 1 forewoman, $1,400; 1 forewoman, $1,200; 1 clerk, class 3; 3 clerks, class 2; 5 clerks, class 1; 13 clerks, at $1,000 each; 41 clerks, at $900 each; 21 clerks, at $840 each; 1 skilled laborer, $900; 20 skilled laborers, at $840 each; 13 skilled laborers, at $780 each; 26 skilled laborers, at $720 each; 1 chief folder, $1,000; 1 assistant chief folder, $960; 3 folders, at $900 each; 1 skilled laborer, $1,100; 2 skilled laborers, at $1,000 each; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers or messenger boys, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 1 laborer, $840; 1 laborer, $660; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all $199,280.

The amendment was agreed to.

The next amendment was, on page 58, line 3, after the word "machinery," to insert "for addressing and mailing documents," and in line 4, after the word "supplies," to strike out "$1,500" and insert "$3,000," so as to read:

For labor-saving machinery for addressing and mailing documents, including necessary supplies, $3,000.

The amendment was agreed to.

The next amendment was, on page 58, line 5, after the word "materials," to strike out "$6,000" and insert "$11,500," so as to read:

For envelopes, stationery, and materials, $11,500.

The amendment was agreed to.

The next amendment was, on page 58, line 12, after the word "same," to strike out "$500" and insert "$1,000," so as to read:

For wagons, bicycles, horses, harness, and maintenance of the same, $1,000.

The amendment was agreed to.

The next amendment was, on page 58, line 16, after the words "general expenses," to strike out "$18,250" and insert "$25,750," so as to read:

In all, for general expenses, $25,750.

The amendment was agreed to.

The next amendment was, on page 58, line 17, after the words "Division of Publications," to strike out "$183,260" and insert "$225,030," so as to read:

Total for Division of Publications, $225,030.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Statistics," on page 58, line 21, before the words "assistant statistician," to strike out "One" and insert "There shall be one statistician, who shall be chief of bureau, $4,000; one," so as to read:

Salaries, Bureau of Statistics: There shall be one statistician, who shall be chief of bureau, $4,000; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300 each; 17 clerks, class 1; 17 clerks, at $1,000 each; 21 clerks, at $900 each; 2 messengers, at $840 each; 2 messengers or laborers, at $720 each; 2 messengers, messenger boys, or laborers, at $660 each; 1 messenger or messenger boy, $480; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $115,380.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

That hereafter there shall be in the Bureau of Statistics, in the Department of Agriculture, a division to be known as the Division of Markets. The chief of said division shall receive a salary of $4,000 per annum, and the assistant chief a salary of $2,500 per annum. There shall also be in said division such special agents, clerks, and other employees as may be necessary to fulfill the duties thereof in or out of the District of Columbia.

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from New Hampshire to the fact that this amendment is printed in sections, and the section number and the word "That" should be stricken out in each case.

Mr. BURNHAM. Yes.

The SECRETARY. It is proposed to strike out the section number and the word "That" at the beginning of each paragraph of the amendment.

The amendment to the amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 60, after line 4, to insert the following:

The Chief of the Bureau of Statistics shall have power and authority to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation as to the systems of marketing farm products, cooperative or otherwise, in practice in various sections of the United States and in foreign countries, and shall collect data in reference thereto. The information and data thus collected shall be distributed to farmers, farmers' organizations, and societies of consumers throughout the various agricultural sections of the country and made available for the use of any individual or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of said bureau. It shall also be the duty of said Chief of the Bureau of Statistics to make, through the said Division of Markets, under the direction of the Secretary of Agriculture, investigation of demands for farm products in various trade centers and the current movement of such products, giving specific data as to the supply, normal demand, and price thereof, with the view of

furnishing information as to the best available markets, which information shall be distributed under the direction of the Secretary of Agriculture.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert the following:

It shall be the duty of the Chief of the Bureau of Statistics to collect, through the said Division of Markets, by any expeditious method, as by telegraph, telephone, mail, or otherwise, compile, and report to farmers, farmers' organizations, and societies of consumers daily bulletins or telegraphic reports of such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at a minimum cost: *Provided*, That when such reports or statistics are requested to be furnished by telegraph or telephone, or methods other than the United States mail, the person or association making such request must advance the fee for the cost of transmission, which shall be deposited to the appropriation for the maintenance of the said Division of Markets. It shall be the duty of the Secretary of Agriculture to make an annual report to Congress regarding the work of the said Division of Markets, with any recommendations that may enable Congress to enact any additional necessary legislation.

The amendment was agreed to.

The next amendment was, on page 61, after line 20, to insert the following:

The Secretary of Agriculture shall make all necessary arrangements for offices and supplies for the use of said Division of Markets, including office equipment, rent in or out of the District of Columbia, stationery, telegraphing, and all other necessary expenses. The compensation of clerks and employees not otherwise specifically provided for in this act shall be fixed by the Secretary of Agriculture subject to the restrictions of existing law.

The amendment was agreed to.

The next amendment was, on page 62, after line 3, to insert the following:

The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of such division, to be available during the fiscal year ending June 30, 1914.

The amendment was agreed to.

Mr. BURNHAM. Mr. President, I understand the word "section," as it occurs in four places, has been stricken out?

The PRESIDENT pro tempore. It has been stricken out.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 62, line 8, after the words "Bureau of Statistics," to strike out "$243,680" and insert "$293,680," so as to read:

Total for Bureau of Statistics, $293,680.

The amendment was agreed to.

The next amendment was, under the head of "Library, Department of Agriculture," on page 62, line 11, before the word "clerk," to strike out "One" and insert "There shall be one librarian, $2,000; one," so as to read:

Salaries, library, Department of Agriculture: There shall be 1 librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 2 clerks, class 1, 1 of whom shall be a translator; 6 clerks, at $1,000 each; 5 clerks, at $900 each; 1 clerk, $840; 2 cataloguers, at $1,200 each; 3 cataloguers, at $1,000 each; 1 messenger, $720; 2 messengers or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 1 charwoman, $480; in all, $27,020.

The amendment was agreed to.

The next amendment was, on page 62, line 24, after the word "materials," to strike out "$15,500" and insert "$16,500," so as to read:

General expenses, library: For books of reference, technical and scientific books, papers and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and other material, $16,500.

The amendment was agreed to.

The next amendment was, on page 62, line 26, after the word "library," to strike out "$42,520" and insert "$43,520," so as to read:

Total for library, $43,520.

The amendment was agreed to.

The next amendment was, under the head of "Contingent expenses," on page 63, line 17, after "$106,066," to insert "*Provided*, That of this amount not exceeding $1,000 may be used for the purchase of an oil painting of Hon. James Wilson, former Secretary of the Department of Agriculture, which portrait shall not be accepted until it shall have been approved by the Commission of Fine Arts," so as to read:

Contingent expenses, Department of Agriculture: For stationery, blank books, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, and matting; for lights, freight, express charges, advertising, telegraphing, telephoning, postage, washing towels, and necessary repairs and improvements to buildings, grounds, and heating apparatus; for the purchase, subsistence, and care of horses and the purchase and repair of harness and vehicles, for official purposes only; for the payment of duties on imported articles, and the Department of Agriculture's proportionate share of the expense of the dispatch agent in New York; for official traveling expenses; and for other miscellaneous supplies and expenses not otherwise provided for, and necessary for the practical and efficient work of the department, $106,066: *Provided*, That of this amount not exceeding $1,000 may be used for the purchase of an oil painting of Hon. James Wilson, former Secretary of the Department of Agriculture, which portrait shall not be accepted until it shall have been approved by the Commission of Fine Arts.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from New Hampshire to the word "former," in line 19, page 63.

Mr. BURNHAM. Of course, this law will not take effect until a time when that will be the correct description.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Rent in the District of Columbia," on page 64, line 3, after the word "Industry," to strike out "$2,940" and insert "$2,220," so as to read:

For Bureau of Animal Industry, $2,220.

The amendment was agreed to.

The next amendment was, on page 64, line 10, before the word "of," to strike out "Office" and insert "Bureau," so as to read:

For Bureau of Experiment Stations, $5,000.

The amendment was agreed to.

The next amendment was, on page 64, line 11, before the word "of," to strike out "Office" and insert "Bureau," so as to read:

For Bureau of Public Roads, $3,500.

The amendment was agreed to.

The next amendment was, on page 64, line 13, after the word "department," to strike out "$7,608" and insert "$11,328," so as to read:

For additional rent in cases of emergency for any bureau, division, or office of the department, $11,328.

The amendment was agreed to.

The next amendment was, on page 64, line 14, after the words "In all," to strike out "$95,329" and insert "$98,329," so as to read:

In all, $98,329.

The amendment was agreed to.

The next amendment was, on page 64, line 15, before the word "of," to strike out "Office" and insert "Bureau," so as to make the headline read:

Bureau of Experiment Stations.

The amendment was agreed to.

The next amendment was, on page 64, line 16, before the word "of," to strike out "Office" and insert "Bureau"; in the same line, after the word "Experiment," to strike out "Station" and insert "Stations"; in line 17, before the word "director," to strike out "one" and insert "there shall be one"; in line 18, after the word "draftsman," to strike out "$1,800" and insert "$2,000"; in line 22, after "$900," to insert "one clerk, class 4," and on page 65, line 4, after the words "in all," to strike out "$64,240" and insert "$66,240," so as to read:

Salaries, Bureau of Experiment Stations: There shall be 1 director, $4,500; 1 chief clerk, $2,000; 1 computer, $2,000; 1 draftsman, $2,000; 1 clerk and proof reader, $1,800; 1 editorial clerk, $1,600; 1 editorial clerk, $1,400; 1 editorial clerk, $1,200; 1 draftsman, $1,200; 1 clerk or draftsman, $900; 1 clerk, class 4; 2 clerks, class 3; 1 clerk, $1,500; 4 clerks, class 2; 7 clerks, class 1; 8 clerks, at $1,000 each; 12 clerks, at $900 each; 1 messenger, $840; 3 messengers, messenger boys, or laborers, at $600 each; 4 messengers, messenger boys, or laborers, at $480 each; 1 skilled laborer, $900; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $240 each; in all, $66,240.

The amendment was agreed to.

The next amendment was, on page 65, line 5, before the word "of," to strike out "Office" and insert "Bureau," so as to read:

General expenses, Bureau of Experiment Stations: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apportioned to the several States and Territories to be paid quarterly in advance, $720,000.

The amendment was agreed to.

The next amendment was, on page 66, line 4, after the words "District of Columbia," to strike out "$38,400" and insert "$42,500," so as to read:

To enable the Secretary of Agriculture to enforce the provisions of the above acts, relative to their administration, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, $42,500; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, and make report thereon to Congress.

The amendment was agreed to.

The next amendment was, on page 66, line 14, after the word "expenses," to strike out "$105,000" and insert "$110,000"; in line 15, after the word "Alaska," to strike out "$30,000" and insert "$35,000, of which sum $5,000 shall be immediately available"; in line 17, after "$15,000," to insert "including not to exceed $2,000 for the purchase of land"; and in line 22, after the word "Guam," to insert "and to apply the money received from the sale of such products to the maintenance of said stations," so as to read:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, $110,000, as follows: Alaska, $35,000, of which sum $5,000 shall be immediately available; Hawaii, $30,000; Porto Rico, $30,000; and Guam, $15,000, including not to exceed $2,000 for the purchase of land; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used.

The amendment was agreed to.

The next amendment was, on page 67, line 12, after the word "expenses," to strike out "$1,606,400" and insert "$1,615,500," so as to read:

In all, for general expenses, $1,615,500.

The amendment was agreed to.

The next amendment was, on page 67, line 20, after the word "elsewhere," to insert "supplies," and in line 21, after the word "expenses," strike out "$16,000" and insert "$19,000," so as to read:

Nutrition investigations: To enable the Secretary of Agriculture to investigate the nutritive value of agricultural products used for human food, with special suggestions of plans and methods for the more effective utilization of such products for this purpose, with the cooperation of other bureaus of the department, and to disseminate useful information on this subject, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $19,000.

The amendment was agreed to.

The next amendment was, on page 68, line 1, after the word "water," to insert "at home and abroad"; in line 8, after the words "District of Columbia," to insert "supplies"; and in line 9, after the word "expenses," to strike out "$108,000" and insert "$116,250," so as to read:

Irrigation investigations: To enable the Secretary of Agriculture to investigate and report upon the laws of the States and Territories as affecting irrigation and the rights of appropriators, and of riparian proprietors and institutions relating to irrigation, and upon the use of irrigation water at home and abroad, with especial suggestions of the best methods for the utilization of irrigation waters in agriculture, and upon the use of different kinds of power and appliances for irrigation, and for the preparation and illustration of reports and bulletins on irrigation, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, supplies, and all necessary expenses, $116,250.

The amendment was agreed to.

The next amendment was, on page 68, line 17, after the words "District of Columbia," to insert "supplies," so as to read:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands which may be made available for agricultural purposes, and to prepare plans for the removal of surplus waters by drainage from such lands, and for the preparation and illustration of reports and bulletins on drainage, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, supplies, and all necessary expenses, $97,600.

The amendment was agreed to.

The next amendment was, on page 68, line 21, before the word "of," to strike out "Office" and insert "Bureau," and in the same line, after the word "Stations," to strike out "$1,892,240" and insert "$1,914,590," so as to read:

Total for Bureau of Experiment Stations, $1,914,590.

The amendment was agreed to.

The next amendment was, on page 68, line 21, before the word "of," to strike out "Office" and insert "Bureau," so as to make the headline read:

Bureau of Public Roads.

The amendment was agreed to.

The next amendment was, on page 68, line 22, before the word "of," to strike out "Office" and insert "Bureau"; in line 23, before the word "director," to strike out "One" and insert "There shall be one"; in line 25, before the words "class four," to strike out "one clerk" and insert "two clerks"; on page 69, line 1, after the word "three," to strike out "one clerk" and insert "two clerks, at $1,500 each"; in line 2, after "$1,440," to strike out "one clerk" and insert "two clerks, at $1,380 each"; in line 3, before the word "clerks," to strike out "two" and insert "three"; and in line 13, after the words "in all," to strike out "$47,400" and insert "$53,400," so as to read:

Salaries, Bureau of Public Roads: There shall be 1 director, who shall be a scientist and have charge of all scientific and technical work, $4,000; 1 chief clerk, $1,900; 2 clerks, class 4; 2 clerks, class 3; 2 clerks, at $1,500 each; 1 clerk, $1,440; 1 clerk or instrument maker, $1,440; 2 clerks, at $1,380 each; 3 clerks, at $1,320 each; 4 clerks, at $1,260 each; 3 clerks, class 1; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 1 clerk, $1,080; 1 clerk, $1,020; 4 clerks, at $1,000 each; 1 clerk, $900; 1 clerk or instrument maker, $1,200; 1 messenger or laboratory helper, $840; 2 messengers, laborers, or laboratory helpers, at $720 each; 1 messenger or laborer, $660; 4 messengers, laborers, or messenger boys, at $600 each; 2 messenger boys, at $480 each; 2 charwomen, at $240 each; in all, $53,400.

The amendment was agreed to.

The next amendment was, on page 69, line 15, before the word "of," to strike out "Office" and insert "Bureau," and in line 18, after the word "expenses," to insert "for membership and participation in the permanent International Association of Road Congresses," so as to read:

General expenses, Bureau of Public Roads: For salaries and the employment of labor in the city of Washington and elsewhere, supplies, office fixtures, apparatus, traveling and all other necessary expenses, for membership and participation in the permanent International Association of Road Congresses, for conducting investigations and experiments, and for collating, reporting, and illustrating the results of same, and for preparing, publishing, and distributing bulletins and reports, as follows: *Provided*, That no part of these appropriations shall be expended for the rent or purchase of road-making machinery, except such as may be necessary for field experimental work as hereinafter provided for.

The amendment was agreed to.

The next amendment was, on page 70, line 8, after the word "maintenance," to strike out "$100,000" and insert "$125,000," so as to read:

For investigations of the best methods of road making and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, $125,000.

The amendment was agreed to.

The next amendment was, on page 70, line 11, after the word "materials," to strike out "$30,000" and insert "$35,580," so as to read:

For investigations of the chemical and physical character of road materials, $35,580.

The amendment was agreed to.

The next amendment was, on page 70, line 20, after the words "fiscal year," to strike out "$45,000" and insert "$50,000," so as to read:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $50,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 20, to insert:

For membership and participation of the United States in the permanent International Association of Road Congresses, and for such expenses as may be incident thereto, $3,000, which shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 71, line 2, after the word "experiments," to strike out "$12,000" and insert "$15,000," so as to read:

For general administrative expenses connected with the above-mentioned lines of investigations and experiments, $15,100.

The amendment was agreed to.

The next amendment was, on page 71, line 4, after the word "expenses," to strike out "$227,000" and insert "$268,680," so as to read:

In all, for general expenses, $268,680.

The amendment was agreed to.

Mr. OVERMAN. What page are we on?

The PRESIDENT pro tempore. Page 71, line 5.

Mr. OVERMAN. I should like to go back to page 41. I have been absent.

In lines 16 to 20, page 41, I see a lump-sum appropriation. I am opposed to these lump-sum appropriations, and I am opposing them on all bills. I want to give an example of what occurred here the other day on the Indian appropriation bill. I am on the Appropriations Committee, and we there provide for all the officers, with their salaries. We have ascertained the fact that these lump-sum appropriations slip into appropriation bills, and the departments create their own officers and pay them big salaries, when we have thoroughly investigated every department and have said what officers are needed, and have fixed their salaries. After we have done that, other appropriations of lump sums are made, and additional officers and additional salaries are created.

I am opposed to these lump-sum appropriations. We have kept them out of nearly every appropriation bill since we have ascertained these facts. We all know, here in the Senate, how this evil has grown up. I should like to inquire of the chairman of the committee how this $83,728 is expended.

Mr. BURNHAM. Mr. President, I do not think the Senator from North Carolina was present when we began the reading of the bill. It is now being read for the purpose of considering amendments, the committee amendments being first considered. This is not a committee amendment.

Mr. OVERMAN. If I am not in order, I will call the matter up again at a later time.

The PRESIDENT pro tempore. The committee amendments are first in order. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 71, line 5, before the word "of," to strike out "Office" and insert "Bureau," and, in the same line, after the word "Roads," to strike out "$274,400" and insert "$322,080," so as to read:

Total for Bureau of Public Roads, $322,080.

The amendment was agreed to.

The next amendment was, on page 71, line 17, after the word "work," to strike out "$17,103,275" and insert "$17,796,580," so as to read:

Total, Department of Agriculture, for routine and ordinary work, $17,796,580.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 73, line 20, after "$40,000," to insert "of which sum $10,000 shall be immediately available: *Provided*, That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 7 of the plant quarantine act approved August 20, 1912 (37 Stat., p. 315), may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the Secretary of Agriculture may prescribe," so as to read:

Enforcement of the plant quarantine act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of August 20, 1912, entitled "An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes," in the city of Washington and elsewhere, including official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $40,000, of which sum $10,000 shall be immediately available: *Provided*, That hereafter any class of nursery stock or of any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products of which the importation may be forbidden from any country or locality under the provisions of section 7 of the plant quarantine act approved August 20, 1912 (37 Stats., p. 315), may be imported for experimental or scientific purposes by the Department of Agriculture upon such conditions and under such regulations as the said Secretary of Agriculture may prescribe.

The amendment was agreed to.

The next amendment was, on page 74, after line 13, to strike out:

To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000.

The amendment was agreed to.

The next amendment was, on page 74, after line 19, to insert:

That nothing contained in the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes, approved June 26, 1912, shall be so construed as to prohibit the payment from the appropriations for the Department of Agriculture of expenses incidental to the delivery of lectures, the giving of instruction, or the acquiring of information at meetings by its employees on subjects relating to the work of the department authorized by law.

The amendment was agreed to.

The next amendment was, on page 75, after line 5, to insert:

That hereafter section 7 of the act approved August 26, 1912 (37 Stats., p. 626), shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in strictly scientific or technical work: *Provided*, That nothing contained herein shall be construed to authorize the transfer of any person employed at a specific salary and the payment of compensation from lump-sum appropriations at a rate greater than said specific salary.

The amendment was agreed to.

The next amendment was, on page 75, after line 16, to insert:

That on and after July 1, 1913, all publications issued by the Department of Agriculture shall be distributed under the direction and supervision of the Secretary of Agriculture, and the salaries or compensations of persons engaged in addressing, wrapping, mailing, or otherwise dispatching such publications, and necessary expenses for materials and supplies to be used in the work, shall be paid out of the appropriations for the Department of Agriculture. And the Public Printer shall return to the Department of Agriculture the machines, equipment, and unused materials, if any, transferred to the Government Printing Office in compliance with section 8 of the act of August 23, 1912 (37 Stat., p. 414).

Mr. SMOOT. Mr. President, I should like to ask the Senator in charge of the bill the object of this provision and why it is inserted.

Mr. BURNHAM. It was strongly recommended by the department. The committee understood that it was greatly for the convenience of those who are seeking bulletins and other information from the department; in other words, that the department could carry on the correspondence—the very large correspondence, extending into millions of letters, I understand—better than a department not familiar with the work of the Agricultural Department.

Mr. SMOOT. We have been in the past trying to consolidate this class of work, and this now seems to be distributing it. I have not had time to look up the question, and I am not going to object to the amendment now, but I thought it was a rather strange procedure.

The amendment was agreed to.

The next amendment was, on page 76, after line 5, to insert:

And hereafter every officer or employee whose rate of compensation is specified herein shall receive compensation at that rate or such other rate as may be fixed from time to time by law.

The amendment was agreed to.

The next amendment was, on page 76, after line 9, to insert:

To enable the Secretary of Agriculture to cooperate with and make an exhibit at the next annual meeting of the International Dry Land Congress, to be held at Tulsa, Okla., during the fiscal year ending June 30, 1914, illustrative of the investigations, products, and processes relating to farming in the subhumid region of the United States, including labor and all expenses in the city of Washington and elsewhere, $10,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 76, after line 18, to insert:

That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $15,000, or so much thereof as may be necessary, to be expended in the discretion of the President of the United States for all expenses of a National Institute of Agriculture, to consist of not less than five and not more than ten members, in addition to the Secretary of Agriculture, to be appointed by the President of the United States, who shall perform such duties and make such investigations and reports as he may direct.

The amendment was agreed to.

The next amendment was, on page 77, after line 2, to insert:

For cooperation with any State or group of States in the protection from fire of the forested watersheds of navigable streams, under the provisions of section 2 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," $200,000, to be available until the end of the fiscal year 1915: *Provided*, That any and all unusued balance of the sum of $200,000 heretofore appropriated by the act of March 1, 1911, to enable the Secretary of Agriculture to carry out the purposes mentioned in said section 2, remainng unexpended July 1, 1913, shall continue available until the end of the fiscal year 1915 for the purpose for which it was appropriated.

The amendment was agreed to.

The next amendment was, on page 77, after line 20, to insert:

That section 9 of the act of March 1, 1911 (36 Stat., p. 961), entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," be amended to read as follows:

"That such acquisition by the United States shall in no case be defeated because of located or defined rights of way, easements, and reservations, which, from their nature will, in the opinion of the National Forest Reservation Commission and the Secretary of Agriculture, in no manner interfere with the use of the lands so encumbered, for the purposes of the act: *Provided*, That such rights of way, easements, and reservations retained by the owner from whom the United States receives title, shall be subject to the rules and regulations prescribed by the Secretary of Agriculture for their occupation, use, operation, protection, and administration, and that such rules and regulations shall be expressed in and made part of the written instrument conveying title to the lands to the United States; and the use, occupation, and operation of such rights of way, easements, and reservations shall be under, subject to, and in obedience with the rules and regulations so expressed."

The amendment was agreed to.

The next amendment was, on page 78, after line 20, to insert:

To enable the Secretary of Agriculture to demonstrate the practicability of suppressing and eradicating the swine disease commonly called hog cholera, and for this purpose to invite the cooperation of the several States, through such means and agencies as may be found practicable by the department and such States, to suppress and eradicate said disease; and for this purpose there is appropriated the sum of $50,000, including labor and all expenses in the city of Washington and elsewhere.

Mr. POMERENE. I call the attention of the Senator in charge of the bill to the amendment with reference to the suppression of hog cholera. An appropriation is provided for amounting to $50,000. I move to increase it to $100,000.

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

The SECRETARY. On page 79, line 2, strike out "$50,000" and insert "$100,000," so as to read:

And for this purpose there is appropriated the sum of $100,000, including labor and all expenses in the city of Washington and elsewhere.

Mr. POMERENE. My reason for offering the amendment is because the sum proposed to be appropriated is wholly inadequate for the purpose. In the State of Iowa alone I am advised the loss by hog cholera last year was $15,000,000. In my State the loss was more than $2,000,000. I have these figures from the secretary of the board of agriculture of my State.

In my State in 1911 we appropriated the sum of $75,000 for the purpose of purchasing a farm and adopting methods for the manufacture of serum for the eradication of this disease. Under the guidance of Dr. Paul Fisher, State veterinarian, they have made wonderful progress toward perfecting a serum, but we have been handicapped by the want of proper financial aid.

This is not a matter that one State alone is interested in, but every State which is engaged in swine breeding. I do not think we could expend $100,000 of the people's money to better advantage than in helping to encourage ways and means of checking this disease. I hope the amendment will be adopted.

Mr. BURNHAM. Mr. President, I desire to say to the Senator from Ohio that the committee took into very careful consideration this matter. They were aware of the very great danger and the great loss by the disease. Yet, relying largely upon what the Secretary of Agriculture said, the committee put the amount at $50,000. The Secretary said, in answer to a question:

I think $50,000 will be a comfortable sum to go in with and make the demonstration.

Mr. POMERENE. With all due respect to the Secretary's judgment, and I have a very high regard for it, I know what our own experience has been in our State. We appropriated in 1911 $75,000, and our State veterinarian was very much handicapped because of the lack of funds.

There are two things to be considered—first, the remedy; and, second, the method of its administration. It is necessary to educate veterinarians throughout the country in the proper use of this remedy. I have been informed that 50 per cent of the efficacy of the remedy depends on the administration.

It seems to me that $50,000 is a very small sum, considering the extent of this industry and its importance to the American people. I feel that this appropriation of $100,000 could be spent economically and to the advantage of the American people. I hope the amendment will be carried.

Mr. SMITH of Maryland. Mr. President, I do not pretend to know what amount is necessary for this purpose, but I do want to say that I think there will be no question about appropriating a sufficient amount in regard to this matter. It comes home to me from my own State.

In my State we lost hundreds of thousands of dollars last year by cholera, and I do think that the money could be appropriated in a manner, and should be appropriated in a manner, that would help the people, and appropriated in a sum that would be sufficient to eradicate the disease as far as possible.

I hope if the chairman feels that this is not a sufficient amount (and it does look to me that it is a very small amount), he will agree to this extra appropriation, because it is a matter of very great value to the people throughout the country.

Mr. SMITH of South Carolina. Mr. President, precisely the same condition exists in my State. The Secretary of Agriculture happened to visit Columbia, the capital of the State, durthe National Corn Exposition, and when addressing a body of farmers, the very first question addressed to him was that which the Senator from Ohio and the Senator from Maryland propounded to the chairman of the Committee on Agriculture. His reply as to how much was needed was that they had ample facilities for supplying the veterinarians in the different States with information as to the source of supply of this antitoxin, and the method of administering it to the herd, but that the difficulty had been in getting the veterinarian and those in the several communities interested to apply to the proper source—that is, the Agriculture Department—for the information and to use it when the herd was diseased.

The showing before us was to the effect that $50,000 was ample to gather all the information and the sources of the supply of the antitoxin, and that all that then was necessary was for the State and the community to buy it; that the Government would furnish the instructors as to the method of administering it. That is the way it was explained by the Secretary of Agriculture in my State and by the Secretary of Agriculture to the committee; that it is not a question of more money; that it is a question of the community understanding the source of the supply and the method of administering it; and that $50,000 would be sufficient—all that he could use, in fact.

Mr. KENYON. Mr. President, I make bold to state that in this country in the last year there was a loss of at least $50,000,000 to the farmers as a result of the ravages of hog cholera. In my own State I suppose the loss was at least $10,000,000. I know that in Illinois it has been as much; and in North Dakota, South Dakota, Nebraska, and Missouri the loss has been large. The great prevalence of this disease among hogs has been such as to stimulate the manufacture and sale of a great many bogus hog-cholera serums that have been about as fatal a remedy as the disease itself.

I heartily indorse everything the Senator from Ohio [Mr. POMERENE] has said. It is necessary to have more money for the investigation and experiments and to have some intelligent information that will lead to an intelligent handling of the situation. It does seem to me that the Senator from Ohio is exactly right and that $50,000 is not enough for this important matter. The amount he suggests in his amendment is probably not sufficient, either.

Mr. SMITH of South Carolina. I believe that $100,000 will do no more than $50,000 unless the Government shall not only provide the information as to the sources of this antitoxin but shall also provide the antitoxin. To attempt to do that, as well as to provide for administering it, would cost more than the Government could afford to put into it. As the Senator from Georgia [Mr. SMITH] suggests to me, it would fall somewhat into the class of feeding the hog.

I understand the Secretary of Agriculture has all the information needed as to the kind of antitoxin necessary and the methods of administering it, and it is then at the option of the several communities affected whether they will avail themselves of the information of the Agricultural Department as to the proper antitoxin and the method of administering it, and get from the department an expert who will show the local veterinarians or other individuals how to administer it. It is simply a question of availing themselves of what is now available. The Secretary says that $50,000 is as much as he can use advantageously at this time.

Mr. POMERENE. Mr. President, I was constrained, when this matter was first called to my attention, to ask that this appropriation be increased to $1,000,000. I think we have expended many millions of dollars within the last few days here that will serve a less purpose than the money that we can expend in this behalf. I did not offer that amendment because I appreciated the fact that our appropriations were growing extravagant, and I felt that perhaps there would be some opposition to it. But think of the situation to-day, with the millions of dollars invested in swine in every State of the Union, with the knowledge before us that in nearly every one of the States hogs are dying off by the thousands, and the farmers are losing the money that is invested in them. Yet we attempt to contract this appropriation so that we are giving but a little more than a thousand dollars for each State. It does seem to me that this is about as parsimonious a proposition as could well be presented to the Senate, considering the enormous interests which are involved. I hope that this amendment will carry.

Mr. GRONNA. Mr. President, this is an item that was inserted in the bill at the request of the junior Senator from Iowa [Mr. KENYON]. He offered an amendment appropriating $100,000 for this purpose. The Secretary of Agriculture appeared before our committee and this matter was fully discussed. I was one of those who sympathized with the amendment which was offered by the Senator from Iowa, but the Secretary of Agriculture said we can not hope that the Government will undertake to treat each individual case, going to the farms and treating the diseased hog. That is a matter for the States themselves. All that we should ask the Government to do is to send an expert and take in four or five or more counties to make a demonstration, and show the people how to use this serum and show them how to eradicate this disease.

When the question was asked if $100,000 would be required, the Secretary seemed to think that $50,000 would be sufficient for the coming year. Personally I was very much in favor of making a larger appropriation; I was in favor of making it $100,000; but the committee acted upon the judgment of the Secretary of Agriculture.

Mr. CURTIS. Mr. President, I hope the amendment offered by the Senator from Ohio [Mr. POMERENE] will be adopted. This is a work in which the Department of Agriculture should help. They have experts; they have studied the subject; and their information would be of great service to the farmers of the country, as has been said by the Senator from Ohio and the Senator from Iowa [Mr. KENYON]. Every year in the farming States thousands of hogs die, and perhaps with information from the department they might be saved. I repeat, I hope the amendment will be agreed to.

Mr. SMOOT. Mr. President, I have not yet heard any Senator answer the statement of the Senator from South Carolina [Mr. SMITH]. He has stated that the appropriation is all that can be used; that all information necessary has been collected by the department; but that what is lacking is interest in the matter to be taken by the people of the States.

If that be true, if the $50,000 is all that is necessary to collect the information required for this very necessary service—which I grant is a very necessary one—then, it seems to me, there is no necessity of appropriating more.

Mr. KENYON. Mr. President——

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

Mr. SMOOT. I do.

Mr. KENYON. Mr. President, I am glad to see this evidence of economy upon the part of the Senator from Utah with reference to this particular matter.

Mr. SMOOT. I have not said a word about economy, and I am perfectly willing to appropriate $100,000 or $200,000, if it is necessary; but what I state is this: The Senator from South Carolina, a member of the committee, says that the Secretary of Agriculture states that $50,000 is all that is necessary; that that will collect all the information required; that the difficulty is not on the part of the Government of the United States or the amount appropriated, but that it lies in the fact that the information is not asked for by the people in the States where it is needed.

Mr. KENYON. In view of the suggestion of the Senator from North Dakota [Mr. GRONNA] as to the statement of the Secretary before the committee—I am not a member of the committee and did not hear it—relative to the experiments which were necessary to be carried out in the different counties or in groups of counties throughout the country, does the Senator imagine that $50,000 will do even that, to say nothing of an investigation?

Mr. SMOOT. I do not know. The Secretary of Agriculture says that $50,000 is all that is required, but if the Senator from South Carolina, who has studied this question, says that $100,000 or $200,000 can be used I am perfectly willing to vote for an appropriation of $100,000 or for $200,000.

Mr. SMITH of South Carolina. Will the Senator from Utah allow me merely to make a statement?

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

Mr. SMOOT. I yield.

Mr. SMITH of South Carolina. I would like to state to the junior Senator from Iowa [Mr. KENYON] and to the Senator from Ohio [Mr. POMERENE] that they are laboring under a wrong impression. I want to take this occasion to set myself right. If a million dollars were needed for the purpose of protecting the hog industry of this country, I do not believe that there is a Senator on this floor but who would vote for the appropriation of a million dollars; but the proposition is this: Is the Department of Agriculture to go into the work of furnishing the serum and administering it for each and every owner of a herd, or is the department simply required to gather the data, to furnish the information as to trustworthy antitoxin, then furnish a demonstrator in the community, and teach the owners how to administer the proper remedy?

The department officials came before us and said that they had ample facilities for teaching the farmers or a community how to administer this remedy, but the farmers will not avail themselves of it. Those officials say they stand ready to send men where necessary and that this $50,000 is ample to provide for their expenses in going to the several communities where the disease now exists. The proposition before us is, Are we going to require the department not only to furnish the remedy but to administer it wherever the disease is, or is the department simply to be required to furnish the farmers information as to the proper remedy and the proper method of administering it?

Mr. SMOOT. Mr. President, so that there may be no misunderstanding about my position, I will say that if it will take $200,000 or $300,000 or $400,000 for the Government to give to the different States the information necessary on this subject, then I shall have no objection to voting to appropriate that amount. I simply made my statement upon the statement that was made by the Senator from South Carolina. It seems to me that if that is correct, and if $50,000 is all that can be used by the Secretary of Agriculture, it would be nonsense to give more, although, as I said before, I do not know as to that, my only knowledge being gained from the statement made by the Senator from South Carolina.

Mr. POMERENE. Mr. President, as I said——

Mr. GRONNA. I should like to read from the hearings, if the Senator will permit me.

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

Mr. POMERENE. Yes; I will yield.

Mr. GRONNA. I prefer to take the floor in my own right, Mr. President.

Mr. POMERENE. In view of the course this discussion has taken, I feel justified in giving my connection with the matter. This was called to my attention by Hon. A. P. Sandles, the secretary of agriculture of my State; and I want to say he is one of the best secretaries of agriculture that Ohio or any other State ever had or ever will have, and the President elect could do no better than to place him in his Cabinet. After this matter was called to my attention I wrote to Secretary Wilson. I received, under date of February 4, 1913, a letter from him, which I will ask the Secretary to read.

The PRESIDENT pro tempore. Without objection, the letter will be read as requested.

The Secretary read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 4, 1913.

Hon. ATLEE POMERENE,
United States Senate.

MY DEAR SENATOR: I have your letter of February 3. This department, after 10 years of research, found a serum that would prevent hog cholera. The States have not been active in using it. It is proposed by the House Committee on Agriculture to appropriate money to have the Bureau of Animal Industry make demonstrations in certain of the hog-raising States and show the people how to use this serum practically. I think that is likely to go through the House. This department is taking all the interest in it that you would desire.

Very truly, yours,

JAMES WILSON, *Secretary.*

Mr. POMERENE. Mr. President, at the time I wrote to the Secretary of Agriculture on that subject, I received from Secretary Sandles some resolutions adopted by the Department of Agriculture of the State of Ohio. I send those resolutions to the desk and ask that they may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF OHIO,
DEPARTMENT OF AGRICULTURE,
Columbus, February 1, 1913.

Resolutions.

The Ohio State Board of Agriculture, at its meeting January 31, 1913, Columbus, adopted the following resolutions:

"Whereas in the Middle West corn-belt zone hog cholera is prevalent to such degree as to seriously menace swine breeding and swine feeding; and

"Whereas the loss incurred by farmers on account of the ravages of this swine plague annually totals millions of dollars; and

"Whereas the blighting of the swine industry decreases the profits of corn growing, cattle feeding, and general farming to such an extent as to discourage in many instances the continuance of agricultural pursuits; and

"Whereas the decline in production of a meat supply incident to a continuance of the swine plague will materially affect the cost of living and general welfare; and

"Whereas the liability of diseased animals being slaughtered and unknowingly placed upon the market is an important factor affecting the public health: Therefore be it

"*Resolved by the Ohio State Board of Agriculture,* That Ohio Senators and Representatives in Congress be requested to urge such legislation, appropriation of funds, and cooperation by the Federal Government that will enable the States in the swine-plague zone to reduce to a minimum, and, if possible, eradicate the dangers and losses from hog cholera."

Respectfully, A. P. SANDLES, *Secretary.*

Mr. POMERENE. Mr. President——

Mr. SMOOT. Mr. President, will the Senator yield to me for just a moment?

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

Mr. POMERENE. I yield to the Senator.

Mr. SMOOT. If the amount is increased to $100,000, I should like to ask the Senator whether he would accept an amendment to his amendment inserting, after the amount "$100,000," the words "or so much thereof as may be necessary"? Then if the work requires $100,000 the money will be available.

Mr. POMERENE. I accept that.

Mr. SMOOT. With that modification I have no objection to the amendment at all.

Mr. POMERENE. Mr. President, further, in view of the statement which has been made by the Secretary of Agriculture that everything is being done which can be done, I beg to say that if anything has been done by the Federal Government Ohio does not know of it, and in corroboration I beg to say that I sent a copy of the letter of the Secretary of Agriculture to Secretary Sandles, of the Ohio State Board of Agriculture, and in reply to that letter I received an answer, which I send to the Secretary's desk and ask to have read.

The PRESIDENT pro tempore. The Secretary will read, in the absence of objection.

The Secretary read as follows:

STATE OF OHIO,
DEPARTMENT OF AGRICULTURE,
Columbus, February 13, 1913.

Hon. ATLEE POMERENE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Received yours of recent date advising reference appropriation for hog cholera that $30,000 may be inserted in the agricultural appropriation, also copy of Secretary Wilson's letter.

The statement of the Secretary that the department is taking all the interest in hog cholera that you would desire is a very extraordinary one. His department is almost indifferent toward the needs of the Middle West in this matter. The losses are tremendous, running into many million dollars.

The Iowa officials advise me that the loss in that State alone is over $15,000,000 annually.

Any Senator or Congressman who can secure a half million dollar appropriation for the purpose of affording relief from the terrible loss from the swine plague will be called blessed. Ohio has done more in the manufacture and use of the serum than any other State in the Union, and has done much more than the Federal Government has done, but one State can not control this swine plague.

This question is of such importance as to be worthy the attention of the Government. The indifference of Secretary Wilson will not bring relief to the thousands and tens of thousands of swine owners.

Respectfully,

A. P. SANDLES, *Secretary.*

Mr. POMERENE. I desire to add that Secretary Sandles is one of the men who usually knows whereof he speaks.

Mr. SIMMONS. Mr. President, I am very much interested in what the Senator from Ohio has said about the use of this antitoxin in his State. I have heard of this antitoxin, but I have been a little incredulous about its being an effective remedy for hog cholera. I live in a section of the country where hogs are raised. I can say, from personal knowledge, that in certain counties in the eastern part of my State during the past year at least 20 per cent of all the hogs were destroyed by cholera. If the United States Government, through the Agricultural Department, has any effective remedy for this disease, it has not made it known to the hog raisers of our section of the country. As I understood the Senator from Ohio a little while ago, he said that for about 10 years this remedy had been known and that a great deal had been done in his State toward eradicating this disease. I should like to have the Senator state whether it has been demonstrated there that this antitoxin is an effective remedy for hog cholera.

Mr. POMERENE. Mr. President, the Senator's statement is in part correct and in part not correct. I said, perhaps before the Senator came in on the floor, that in 1911 the General Assembly of the State of Ohio appropriated $75,000 for the purpose of purchasing a farm and preparing this remedy, and Dr. Paul Fischer, who is the State veterinarian, has discovered what he believes is a cure. His experiments have been eminently satisfactory. He considers his cure absolutely perfect. I understand that if the hog is inoculated within a reasonable time after it has contracted the disease, Dr. Fischer can cure it; but if it is left until the disease has passed a certain stage the hog is incurable. Our department has been handicapped because we do not have sufficient funds.

Mr. SIMMONS. To what extent has the application of that remedy suppressed this fatal disease in the Senator's State?

Mr. POMERENE. Mr. President, I have personal knowledge of one instance in which there was a small herd of probably 15 or 20 hogs. At the time the veterinarian was called all of them, save 3, were pronounced past recovery. The other 3 were inoculated and recovered. The feeling prevails in Ohio that with this remedy properly administered we can very greatly reduce, if not entirely control, hog cholera. I think that this appropriation, instead of being $100,000, ought to be a half million dollars.

Mr. SIMMONS. I entirely agree with the Senator from Ohio——

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. SIMMONS. I yield.

Mr. CHAMBERLAIN. The testimony before the committee tended to show that the so-called remedy, the serum, that is used is not a curative at all but a preventive; in other words, the difficulty the Secretary of Agriculture has had is with the farmers themselves. They are in exactly the same frame of mind as is the Senator to whom I am now addressing my remarks—they are incredulous about it; they do not believe that this serum is a preventive at all. The Secretary says that to undertake to eradicate this disease would be a physical impossibility for the Government. It rests upon the people themselves—the farmers who have hogs to use this serum as a preventive—and the Secretary says it will prevent the disease every time, but it will not cure it.

Mr. SIMMONS. Mr. President, I gather from what has been said that experimentation with this serum has been going on now for about 10 years in some of the States. I assume that if the remedy is an effective one the Federal Government has known of it through its officials for the last 10 years; and yet, Mr. President, there is no evidence in my section of the State, where this disease has been very disastrous, that the Federal Government has exercised itself in the slightest degree to help the farmer. I have personal knowledge that farmers raising hogs in my State whose animals have suffered from this disease have applied to the Agricultural Department for information as to how they might suppress the disease, and I have been advised that they have succeeded in getting no valuable assistance or advice from the Agricultural Department.

I want to say that if there has been discovered any remedy, and if the Agricultural Department can, provided we give them ample funds for that purpose, help the farmers in overcoming this great handicap in connection with agriculture, I myself should hesitate at voting no sum that the department might think necessary for that purpose; but it occurs to me that this matter is still in an experimental stage and that the Agricultural Department itself wants to experiment and see whether it can be demonstrated that the remedy is effective in reaching the disease, and therefore it asks for this more as a fund for experimenting than otherwise.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield further to the Senator from Oregon?

Mr. SIMMONS. I yield to the Senator.

Mr. CHAMBERLAIN. Mr. President, the Secretary of Agriculture says it is not experimental at all. He says they have absolutely demonstrated its efficacy.

Mr. SIMMONS. Will the Senator tell me why he has delayed applying so long, if it is not experimental?

Mr. CHAMBERLAIN. He has not had the money to use for that purpose. All the Secretary of Agriculture could do, if money were furnished him in the greatest abundance, would be to educate the people to use the serum before the disease broke out among the hogs. If the Government itself undertook to absolutely eradicate the disease it would have to go and inoculate herds that were perfectly well. The administration of the serum after the disease has attacked a herd is absolutely useless. It does not do any good. It is incurable—at least, so the Secretary says, and he depends upon that particular branch of his service to inform him.

Mr. SIMMONS. The Senator misunderstands me. I am not insisting that the department can do or should do anything more than to teach. I am not insisting that the Government should undertake to go down and cure this disease or do anything except to furnish the information and probably point out the remedy to the farmer. That is all I am insisting upon; and what I was trying to find out was whether it had been demonstrated yet that this remedy was at all effective.

Mr. CUMMINS. Mr. President, I rise to a point of order. Senators on this side of the Chamber are unable to hear what is being said, on account of the disorder in the Chamber. I am deeply interested in this amendment, and I should like to hear what is being said about it.

The PRESIDENT pro tempore. The Chair has appealed to the Senate several times this morning to preserve order. It is impossible for the Chair to enforce his suggestion, and he again appeals to Senators to refrain from loud conversation in the Chamber.

Mr. SMITH of South Carolina. Mr. President, in reply to the interrogation that the Senator from North Carolina has made, the Secretary of Agriculture, speaking in my State while the cholera was raging over the entire State, was asked by a farmer, a hog raiser, sitting in an audience of perhaps 300 or 400, the direct question, "Have you any suggestion to make as to what we may do in case of hog cholera?" He replied: "We have a remedy that is a preventive that will render absolutely immune the animal inoculated. We are ready to give the information, but the trouble is you do not ask for the information or for the demonstrator to teach you to administer it." He went on to say: "We are ready and willing and anxious to

demonstrate the fact that this remedy is efficacious; it will prevent it, but," as has been said here before, "it will not cure." He added that, so far as stamping out cholera was concerned, that would be practically impossible, but that you can render immune an individual herd.

He stated these facts emphatically. I see no reason why the Secretary of Agriculture should attempt to deceive the public. If he has this information in the form of bulletins and has men to demonstrate the work, and a community affected sends for relief, I do not see why he should withhold it when he challenged a crowd of 300 or 400 farmers whose hogs were suffering with the disease by saying: "We have the remedy and can teach you how to apply it. Whenever you get ready to call on us, or let us know where to go, we will furnish you the information and the demonstration."

Mr. CUMMINS. Mr. President, I introduced the amendment for the appropriation of $100,000. I thought at the time that it was not adequate, but I believed it was better for the present year to limit the appropriation to $100,000.

There is a misapprehension with regard to the opinion of the Secretary of Agriculture respecting the matter. I desire to read his statement before the Committee on Agriculture and Forestry:

Senator GRONNA. Do you believe that $100,000 is more than is required for this purpose?

Secretary WILSON. I had thought it might take $100,000; about that.

Senator SMITH of Georgia. $50,000 would enable you to give demonstrations around in the different parts of the State as to the value of the serum?

Secretary WILSON. Yes, sir.

Senator SMITH of Georgia. But $100,000 would not furnish the serum needed. It would take a vast sum of money if you went into the business of furnishing all the serum that was required?

Secretary WILSON. We can not think of that. That is utterly impracticable.

Senator SMITH of Georgia. But $50,000 would enable you to make a demonstration?

Secretary WILSON. I think $50,000 would be a comfortable sum to go in with and make the demonstration.

The Secretary did not mean, of course, to be understood as saying that under the terms of my amendment he could not use $100,000 profitably for the farmers of this country. Of course the Federal Government has not undertaken, and can not undertake, to furnish the serum necessary for a State like my own. As my colleague has said, we lost last year hogs to the value of more than $15,000,000 on account of the ravages of this disease; and the serum that would have been necessary to prevent this plague would have cost the State of Iowa alone, I venture to say, more than $500,000.

That is not the purpose of this amendment. The purpose of the amendment is to secure the cooperation of the Secretary of Agriculture, not only to demonstrate that the serum will accomplish the purpose for which it is made, but to induce the farmers to so associate themselves that it may be effectually applied. If the serum is used in the beginning, if there is segregation of these animals, the spread of the disease can be prevented. That is the cooperation we want. That is the demonstration we want. One hundred thousand dollars, in my opinion, is a very inadequate sum to enable the Secretary of Agriculture to make that demonstration and to insure the cooperation that is necessary for the welfare of the farmers of the United States.

Moreover, one of the chief troubles at the present time is the use of not only worthless serum, but poisonous serum, in the sense of failing to accomplish the remedy. I want the Secretary of Agriculture to make a demonstration that will prevent, in the end, the shipment from State to State of serum that ought not to be administered at all. It is one of the most valuable things he can do for the people of the country. We have suffered, I was about to say, beyond description, because the farmers have been led to use a so-called remedy manufactured in other parts of the country that is worse than useless, that really does a vast amount of harm instead of doing any good whatsoever.

I can not believe that the Senate will fail to appreciate the immense importance of giving to the Secretary of Agriculture every opportunity that he can embrace to limit the destruction among the swine caused by this disease.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I should like right at this point to state that, so far as I am concerned, I am not advocating the $50,000 appropriation. I am simply stating the position taken by the Secretary of Agriculture in a speech in my State and in the statement that he made before the committee.

I am willing to join hands with the Senator from Iowa and those interested in hog culture throughout the United States and vote for any amount of money that this body, in its wisdom, thinks can be advantageously used for the suppression, and if possible the eradication, of this disease. I am ready to join the Senators from the hog-raising States, who have practical knowledge of the condition that exists there more than it does in my State, in voting for any amount that they believe can be used to the best advantage. I want to be understood in regard to that.

Mr. CUMMINS. I am sure the Senator from South Carolina has the interests of the farmers of this country just as much at heart as I have, and is willing to do every practicable thing. In the end we must, in my judgment, pass a law that will apply to serum, as it is transported from State to State, the same rigid inspection that we now apply to meat in order to preserve the health of the people. One of the purposes of this appropriation is to enable the Secretary of Agriculture to take those preliminary steps and to make that preliminary examination that will lead to legislation of the kind I have suggested.

I suggest that there be added, after increasing the appropriation to $100,000, the words "or so much thereof as may be necessary." I am entirely willing to trust the Secretary of Agriculture in the expenditure of this fund. I know that even if he had $100,000 unqualifiedly, he would not expend it unless he believed it to be necessary.

Mr. BURNHAM. I desire to call the attention of the Senator from Iowa to an amendment beginning on page 12 and running along through several pages, in which it appears that $25,000 is appropriated for the prevention of the importation and sale of injurious serums.

Mr. CUMMINS. I know that; but I desire to suggest to the chairman of the committee that the appropriation of $25,000, of course, will not establish the inspectors that are necessary to carry out that purpose, and we will have to wait for that until some other time.

Mr. BURNHAM. Mr. President, in behalf of the committee, I only wish to present here the facts upon which the committee based its opinion. In view of the statements that are made, and in view of the fact that the amendment proposes to appropriate $100,000, or so much thereof as may be necessary, I feel, so far as I have any authority to do so, that I will accept that amendment.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Ohio [Mr. POMERENE] to the amendment of the committee will be stated.

The SECRETARY. On page 79, line 2, it is proposed to strike out "$50,000" and insert "$100,000, or so much thereof as may be necessary."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of South Carolina. I will call the attention of the Senator from Iowa to a paragraph on page 12. I want to see if it does not cover the very point to which he called attention as being so necessary. I refer to the paragraph beginning on line 7 and going down to and including line 12. The last part of the paragraph is—

And the necessary expenses for investigations of tuberculin serums, antitoxins, and analogous products, $78,680.

Mr. CUMMINS. In my opinion that covers the question of investigation, but it does not cover the establishment of inspectors to examine and to condemn serum that is not made in accordance with the approved methods.

Mr. SMITH of South Carolina. I heartily agree with what the Senator says; and I would suggest to him that it might be well if he would prepare an amendment to the paragraph to which I have called his attention, giving the Secretary power to inspect and to condemn serum other than that recommended by the department.

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

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 79, after line 4, to insert:

To enable the Secretary of Agriculture to investigate the cultivation, acclimating of potatoes, and the development of improved and disease-resistant types, and for the investigation of leaf roll, dry rot, or other new diseases, and the investigation of causes leading to their decay, $20,000, of which the sum of $5,000 shall be immediately available; and the Secretary of Agriculture is hereby authorized to expend said appropriation in such manner as he shall deem best, in cooperation with the authorities of the States concerned or with individuals, and to pay all necessary expenses for the employment of investigators, local and special agents, experts, assistants, and all labor and other necessary expenses, including rent in the District of Columbia and elsewhere, as may be required.

The amendment was agreed to.

The next amendment was, on page 79, after line 18, to insert:

To enable the Secretary of Agriculture to continue explorations in the steppe regions of western Siberia for specimens and seeds of yellow-flowered hardy alfalfa for use in experimental tests in semiarid regions in the Northwest, including labor and all expenses in the city of Washington and elsewhere, $5,000.

Mr. JONES. I desire to ask the chairman of the committee as to the character of these explorations. How are they made?

Mr. BURNHAM. Mr. President, I think the Senator from South Dakota [Mr. CRAWFORD] is familiar with this particular item. I understand explorations have been made, and a very valuable forage crop of alfalfa has been found, particularly what is known as the yellow-flowered hardy alfalfa. This is to pay the expenses, and so forth, of further tests in order to produce a drought-resistant forage plant.

Mr. JONES. Will any of this $5,000 be used in the purchase of these seeds?

Mr. BURNHAM. The Senator from South Dakota is fully informed as to that matter.

Mr. CRAWFORD. Prof. Hansen, of the South Dakota Agricultural College, acting under the direction of the department, has made four trips of exploration upon the steppes of western Siberia and has procured seeds from hardy specimens of what is called the blue-flowered alfalfa. The climate in that region is dry, the region itself is at an elevation, and the winters there are cold, making the climate very similar to that of portions of the Northwest, including some sections of my State.

Mr. JONES. I do not wish the Senator to understand that I am opposing this item. What I think is that there ought to be a larger appropriation.

Mr. CRAWFORD. I will explain the matter a little further, and then I think the Senator will see that it would not be necessary in this particular case.

Mr. JONES. That is what I wanted to get at.

Mr. CRAWFORD. Prof. Hansen has secured these seeds, rather small in quantity in the very nature of things, and when he comes to distribute what he has over a large section of the country there is not enough to go very far. The experiments which have been made have been eminently successful. He has made four such trips, and this is a projected fifth trip.

The legislature of my State has made some appropriations for the purpose of cooperating in paying his expenses for this trip, and he has asked in his correspondence for aid only to the extent of $5,000. The Secretary of Agriculture said at the hearing that they were making, in addition to this, some additional explorations out of other appropriations, but he knows Prof. Hansen and what he has done and his familiarity with the situation there, and he approves of this appropriation.

Mr. JONES. Does the professor absolutely think he can accomplish something with this appropriation of $5,000?

Mr. CRAWFORD. He does. His correspondence is in the report. He thinks it can be done by having it used in cooperation with the Legislature of South Dakota.

Mr. JONES. I wish to say to the Senator I do not think we can make a better expenditure of money for seeds than for something of this sort.

Mr. CRAWFORD. There is no question about that. But this it not the only provision in the bill that will enable that work to be performed.

Mr. JONES. I know there is another provision in the bill, but I like to see the money taken for purposes of this kind and expended for the free distribution of such seeds.

Mr. CRAWFORD. So would I, but I do not think it is practicable to change the proposition now.

Mr. JONES. It is a very small amount to accomplish anything.

Mr. CRAWFORD. It would be except for the fact that he is cooperating with an association of people, a voluntary association, who are contributing money toward the work, and the legislature of my State is cooperating with them, I understand.

Mr. JONES. I wish to say in this connection that I get, very frequently, requests for alfalfa seed and seed adapted to the arid or semiarid sections, and almost uniformly those requests, when sent down to the department, are refused because they have not the seed. If there is anything we need in the way of seed that will be of benefit, it is seed that is adapted to agriculture in the arid and semiarid sections of the country, and if there is any money we can expend of benefit to people in connection with experiments of this kind, it should be money spent for the purpose of finding out what seeds are adapted to the arid and semiarid sections. That is the reason why I asked about this appropriation. It seemed to me that the appropriation was too small to accomplish anything and that it would be practically a waste, but it appears that it is a special appropriation in reference to a special treatment of the subject.

Mr. CRAWFORD. I will read from Prof. Hansen's letter to me under date of February 11, 1913. He says:

The Conservation and Development Congress was a great success at Pierre, January 28, 29, and 30. The people, especially in the western part of the State, kept me very busy answering questions on alfalfa. The Siberian varieties have done so wonderfully well the past two extremely dry years that the people want more of them. An appropriation of $10,000 has been asked for, and the bill has been introduced to the house at Pierre, for sending me to Siberia again to gather seed. One trouble in gathering seed for the United States Department of Agriculture is that the seed must be delivered at Washington and is sent out over so many States instead of it all coming to South Dakota. But a small additional appropriation from the National Government will be very helpful, as there would be other things besides alfalfa which I could just as well get at the same time.

He has practically suggested the helpfulness of this appropriation, and the Secretary concurred in it, and it was upon that basis that we proceeded.

Mr. JONES. Are there any other sections outside of the Senator's own State interested in this matter?

Mr. CRAWFORD. There are large sections, but Prof. Hansen is connected with our State Agricultural College and his work has come very closely in touch with them, and they have been taking the initiative.

Mr. JONES. I am glad of the information. I shall not ask to have the appropriation increased.

Mr. CRAWFORD. I have no reason to believe that Prof. Hansen will object if the amount is made ten thousand dollars instead of five.

Mr. JONES. I have the information that I desired.

Mr. McCUMBER. Mr. President, I should like further information from the Senator from South Dakota as to what amount has been appropriated for the purchase of alfalfa seed to be distributed to the farmers for matters of test and investigation. I wish to state that in our State we send out very little packages and the demand for those packages for experimental purposes is at least ten times as great as the supply. We ought to have a supply next year to cover the demand that there is for experimental purposes throughout the Northwest. I hope there will be inserted in this bill an amount that shall be specifically used for that purpose, and which the Committee on Agriculture will say is sufficient, considering the demand that has been made and is being made to-day for those samples.

Mr. CRAWFORD. Mr. President, I am unable to answer the question of the Senator from North Dakota. My experience is the same as his. The pressure of demand for alfalfa seed in the Northwest is growing constantly. It is the one legume that is securing to those people their future. I am not informed. I have not been able to give the time to the work of the Agriculture Committee that I should like to have done. Perhaps the chairman may be able to give some information in regard to this matter; I can not.

Mr. McCUMBER. I think the chairman heard my statement and my request for the information. I would be very glad to receive it from him with a view, if it is not in the bill, of offering an amendment by which we will have at least $50,000 or $100,000 to be invested for those seeds alone.

Mr. BURNHAM. Mr. President, I have no means of stating the amount of alfalfa allowed except as it appears here in the bill.

Mr. McCUMBER. I would defer to some one who is on the Committee on Agriculture like my colleague, who perhaps would know exactly whether the amendment should be made, but I should like some amendment which would provide for a sufficient amount to supply that reasonable and just demand, because every bushel of seed that is sent out for that purpose will actually be used for agricultural purposes and in testing the feasibility of raising that kind of alfalfa throughout the semiarid sections of the Northwest.

Mr. GRONNA. Mr. President, I am very glad that my colleague has called attention to this particular item. I can not state exactly how much money is used for the purchase of alfalfa seed, but the fact of the matter is that such seeds as we are speaking of now can not be bought at any price. The Secretary told us that it took $14,000 to get 70 pounds of the Siberian quality.

Mr. McCUMBER. Let me ask the Senator, Can it not be obtained in Siberia? I know, of course, it can not be obtained in the United States; but if it is a product that has been tried out in Siberia and has been found successful and is raised over a considerable area in that section of the country, it certainly seems to me that we ought to be able to get the seed from that section.

Mr. GRONNA. No; the fact of the matter is that this clover was found in the steppes in northern Siberia; they are wild-grown seeds and they have been introduced in this country by Prof. Hansen. They have to be propagated. They are purely a breeding seed. There is no quantity of the seed anywhere in the world, so far as I know.

Mr. CRAWFORD. Will the Senator from North Dakota permit me?

Mr. GRONNA. I yield to the Senator.

Mr. CRAWFORD. I wish to say to the Senator from North Dakota that I have talked many times with Prof. Hansen, who

is a most interesting man, and I learn from him that he gets a caravan and goes very long distances from railways away in the steppes in Turkestan, where the hardships are almost those of Stanley's Darkest Africa. He can not bring the seeds in large bulk. The results so far as quantity is concerned are necessarily quite limited. It takes time of course after raising from the seed to have it multiplied so as to get an appreciable quantity of the seed.

Mr. McCUMBER. If my colleague will yield to me, I understand from the Senator from South Dakota that we have brought the seeds here sufficiently to justify the assumption that they will be a great success in the northwestern part of the country.

Mr. CRAWFORD. That is correct, as testified to by farmers whose lettters I have given in the report and by Prof. Hansen himself, and also by the Secretary of Agriculture.

Mr. McCUMBER. Knowing now the importance of this subject in the northwestern section of the country, does not the Senator believe that the Government of the United States would be justified in rendering more assistance to Prof. Hansen than $5,000 would give, or assistance to anyone else in securing those seeds which are so difficult to obtain and whose efforts should be supplemented by the efforts of a sufficient force to bring to our shores the quantity that ought to be used here and for which there is a certain demand?

Mr. CRAWFORD. The Senator from North Dakota is evidently laboring under the impression that the only efforts that are being made to get these alfalfa plants and seeds from Siberia are those made by Prof. Hansen. That is not correct. Prof. Hansen has made four trips there. He was the pioneer in the work. He got the first seeds; he made the exploration; and we want him to go again. But as the exploration work developed it was enlarged, and there is another corps maintained there; there is an appropriation available, and it is being used.

The Secretary of Agriculture, in the first place, said to the committee that the appropriation for Prof. Hansen was not necessary; and it was only because of the fact that Prof. Hansen was so peculiarly well equipped for the work, having been there four times previously, and was cooperating with this association in South Dakota and with the legislature of that State, that it was thought wise to give him this $5,000 assistance.

Mr. GRONNA. Mr. President, I think I should state further that when Secretary Wilson appeared before our committee he said:

The Russian Government—

He is speaking of where these seeds were obtained—

The Russian Government used to give him—

That is, Prof. Hansen—

The Russian Government used to give him a couple of soldiers to go with him, and he would pay their expenses, of course. He got within two days' travel of Mount Ararat, where everybody is sure he can trace his pedigree back to Noah. The last time I saw him I said, "Hansen, have you got all the legumes you want out of that country?" He said, "There is one up there in the foothills of Ararat that I want yet." I never would oppose anything that Hansen wanted—never. I know the great good that the man has done, and our people are sending men who have known of his genius up there to gather the fruits of his observation, and they tell me they have a hundred pounds. When he went first and was gone two or three years he brought back about 70 pounds that cost us $14,000. But if you are going to get a panacea for the reclamation of that whole empire of dry land, what is $14,000?

Mr. President, I only read that to show that it would be absolutely impossible to obtain any great quantity of this particular seed. I believe, however, that my colleague [Mr. McCUMBER] is right. We should distribute more alfalfa seeds. I can not now say what kind of alfalfa seeds should be distributed, but I would be very much in favor of adopting the suggestion of my colleague and specify that a certain amount should be appropriated for the purpose of purchasing alfalfa seed to be distributed over the United States, and especially over the semiarid regions of the West.

Mr. JONES. Mr. President, I suggest to the Senator from South Dakota that on page 27 of the bill there is a provision like this:

Provided further, That $39,000 of which sum—

Referring to the fund with reference to congressional seeds for distribution—

or so much thereof as the Secretary of Agriculture shall direct, may be used for the purchase and distribution of drought-resistant field seeds through the Great Plains area and other dry-land sections of the United States.

I take it it is under that provision the Secretary secures alfalfa seeds, and so forth?

Mr. GRONNA. It is.

Mr. JONES. I want to suggest right here to the Senator from South Dakota that I think it would be a good idea to increase that amount from $39,000 to $150,000 and take this out of the free congressional distribution seed farce.

Mr. CRAWFORD. This is the kind of free congressional distribution of seed that I do not want to see abolished.

Mr. JONES. I know it. I want to see the appropriation increased. I want to increase it from $39,000 to $150,000.

Mr. GORE. Mr. President, I should like to suggest to the Senator from Washington and the two Senators from North Dakota that this bill carries an appropriation of $250,000 for the purchase and distribution of seed upon the requisition of Members of the two Houses of Congress. Each Member of the Senate or the House can commute his entire pro rata share of that appropriation into alfalfa seed instead of distributing garden seed by filing a requisition with the Secretary of Agriculture. He can have his entire portion converted into alfalfa seed.

Mr. JONES. The Senator is certainly mistaken in that.

Mr. McCUMBER. The Senator is mistaken.

Mr. CRAWFORD. The department have not the seed.

Mr. JONES. They have not the seed.

The PRESIDENT pro tempore. The Senator from Oklahoma has the floor. Senators must not interrupt without first addressing the Chair and getting permission.

Mr. GORE. No appropriation that we can make can conjure this particular kind of alfalfa seed into existence. I am not mistaken as to the ability of any Member of either House to file his requisition and obtain whatever kind of seed he desires, because I took this matter up with the Secretary of Agriculture last year and he gave me that assurance.

The PRESIDENT pro tempore. The question is on the amendment of the committee to insert the paragraph from line 19 to line 25, inclusive, on page 79.

The amendment was agreed to.

The next amendment was, on page 79, after line 24, to insert:

That the President of the United States is hereby authorized to appoint a commission to investigate the operations of cooperative land-mortgage banks and of cooperative rural credit unions in other countries, and to fix the compensation of the members of the commission. Said commission is hereby authorized to employ such clerks, stenographers, and other assistants as may be necessary in the city of Washington and elsewhere, which employees shall be paid such compensation as the commission may deem just and reasonable, upon a certificate to be issued by the chairman of the commission. For the purposes of its investigations the commission shall be authorized to incur, and have paid upon the certificate of its chairman, such expenses as the commission shall deem necessary: *Provided, however*, That the total expenses authorized or incurred for compensation, employees, and otherwise shall not exceed the sum of $30,000. Said commission shall submit a report as early as practicable to Congress, embodying therein recommendations as to how the systems of such land-mortgage banks and rural credit unions may best be adapted to the needs and requirements of the people of the United States.

Mr. BURNHAM. I wish to make some additional amendments. On page 79, in line 26, after the word "commission," I move to insert the following:

As a part of and to cooperate with the American commissioners assembled under the auspices of the Southern Commercial Congress.

The amendment to the amendment was agreed to.

Mr. BURNHAM. On page 80, line 17, after the word "unions," I move to insert the following:

And other institutions for the purpose of increasing agricultural credit facilities.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. There is one more amendment, which will be stated.

The next amendment was, on page 79, line 22, after the words "Department of Agriculture," to strike out "$17,593,275" and insert "$18,566,580," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, $18,566,580.

The amendment was agreed to.

The PRESIDENT pro tempore. The totals will be corrected by the clerks.

Mr. McLEAN. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be read:

The SECRETARY. On page 55, after line 19, insert:

All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or Territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and designate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds

within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than 90 days, or both, in the discretion of the court.

The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however,* That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute.

There is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying out these provisions the sum of $10,000.

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

Mr. BURNHAM. I would inquire of the Senator from Connecticut whether the insertion should not be made after line 16, before "general expenses"?

Mr. McLEAN. I have no objection to that.

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

Mr. BRYAN. Mr. President, I raise a point of order on the amendment upon the ground that it is general legislation on an appropriation bill.

The PRESIDENT pro tempore. Does the Senator from Connecticut desire to be heard on the point of order?

Mr. McLEAN. It is very evident that there are half a dozen provisions in the bill standing on precisely similar ground. In regard to the claim that it is general legislation, I do not care to discuss it.

Mr. GRONNA. Mr. President, I hope that the Senator from Florida will withdraw his point of order on the amendment that has been submitted by the Senator from Connecticut. The Senator from Florida well knows that a similar bill passed the Senate unanimously, and the only way that this bill can become a law at the present session is to put it upon some appropriation bill. The bill which the Senator from Connecticut introduced passed the Senate unanimously, and it would seem to me that having formerly passed the Senate it is not really subject to a point of order.

The PRESIDENT pro tempore. Inasmuch as the bill has passed the Senate without objection the Chair will submit the question to the Senate: Is the amendment in order on the pending bill?

Mr. BURNHAM. In view of the action of the Senate, the Senate having passed the bill, and its present standing in the House, as I understand it, I wish to say that I have no objection to the amendment, and I accept it, so far as I have any authority to do so.

The PRESIDENT pro tempore. Senators who are of the opinion that the amendment is in order on the pending bill will say "aye." [Putting the question.] The ayes have it, and the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SIMMONS. I desire to offer an amendment. On page 17, line 13, after the word "clerk," strike out "$2,500" and insert "$2,750."

The PRESIDENT pro tempore. The Senator from North Carolina offers an amendment, which will be stated.

The SECRETARY. On page 17, line 13, in the items for the Bureau of Plant Industry, after the words "one chief clerk," strike out "$2,500" and insert "$2,750."

Mr. SIMMONS. I hope the Senator in charge of the bill will accept that amendment.

Mr. BURNHAM. I have no objection to the amendment.

The amendment was agreed to.

Mr. CHAMBERLAIN. I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 7, line 11, insert the following words:

Hereafter officials and employees of the Weather Bureau, when transferred from one station to another for official duty, shall be allowed all traveling expenses authorized by existing laws applicable to said bureau notwithstanding any changes in appointments that may be required by such transfers.

The amendment was agreed to.

Mr. SMITH of Maryland. Mr. President, with the approval of the chairman of the committee, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Maryland will be stated.

The SECRETARY. On page 78, after line 20, it is proposed to insert the following paragraph:

That the National Forest Reservation Commission is hereby authorized and directed to investigate and report to Congress at as early a date as practicable upon the feasibility and cost of acquiring land for a national forest for experimental and administration purposes on the watershed of the Potomac River and its tributaries, and upon the watersheds of the streams flowing into Chesapeake Bay situated within 40 miles of the District of Columbia, and said commission is hereby authorized to expend for said purposes any funds appropriated in section 14 of the act of March 1, 1911 (36 Stat., 961), entitled "An act to enable any State to cooperate wth any other State or States or with the United States for the protection of waersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable streams."

Mr. BURNHAM. Mr. President, I believe that that amendment is necessary and important, and, so far as I can, I will accept it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland.

Mr. BORAH. Mr. President, I want to ask a question in regard to the amendment. How much expenditure will it involve?

Mr. SMITH of Maryland. I will say to the Senator from Idaho that it will involve not one dollar of additional expenditure. So far as the Forestry Commission is concerned, they are only authorized to perform this service. The money has already been heretofore appropriated for the expenses, and the amendment will not require any appropriation whatever.

Mr. BORAH. Does it enlarge or increase in any way the authority or power of the so-called Forestry Commission?

Mr. SMITH of Maryland. They are only to investigate and report so far as this proposed park is concerned; that is all.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

Mr. SMITH of South Carolina. Mr. President, I again rise to a point of order. It is absolutely impossible to intelligently follow what is going on in connection with the pending bill on account of the talking and confusion in the Chamber.

The PRESIDENT pro tempore. The point of order is well taken. The Chair will once more appeal to Senators to preserve order. The business of the Senate will hereafter be suspended when there is such disorder in the Chamber as has frequently occurred this morning.

Mr. OVERMAN. I move, on page 41, to strike out the clause from line 16 to line 20, inclusive.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Carolina will be stated.

The SECRETARY. On page 41, beginning in line 16, it is proposed to strike out:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $83,728.

Mr. OVERMAN. Mr. President, as I stated earlier in the day, I am opposed to these lump-sum appropriations; but, in addition to that lump sum, I find other lump sums for the same purpose, among them the following:

For investigations of method for wood distillation and for the preservative treatment of timber, * * * $170,000.

For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting, etc., $165,640.

Then, we come down to this provision, on page 41, which I have moved to strike out:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $83,728.

Out of this lump sum there has been expended the enormous amount of $10,000 to print 1,000 copies of a pamphlet to be distributed around through the colleges for the purpose of securing increase of salaries and creating additional offices. I am glad to see the committee has fixed the salaries and the offices here in this bill; but they have a dendrologist here, and they have a silviculturist. I want to know why they did not specifically provide for his salary as they have provided for other salaries, but have instead appropriated a lump sum in order that the Secretary might fix a salary or create an office.

Mr. BURNHAM. In replying to the Senator, I wish to say that this item has appeared before in substantially its present form; and while the objections of the Senator may have some force in a way, we have here the exact items that go to make up that $83,000 appropriation. The committee had before it the exact items and were fully satisfied that the amount was correct.

So far as the "lump-sum" practice is concerned, I should be glad to have the Senator from Wyoming [Mr. WARREN], who

has had longer experience on the committee than have I, make a statement regarding it.

Mr. OVERMAN. Mr. President, the Senator from Wyoming agrees with me that this system has been abused. Not longer than two days ago there was put into the Indian appropriation bill a lump-sum appropriation, which was stricken out on a point of order, because it provided for salaries which were contained in the legislative appropriation bill. That is the way salaries have been increased. After the Committee on Appropriations have fixed the salaries we find lump sums appropriated in other appropriation bills. We found it in the Indian appropriation bill, where the committee had inserted a lump-sum appropriation of $100,000 after the Committee on Appropriations had fixed the salaries for the offices. I ask the Senator from Wyoming if that is not true?

Mr. WARREN. Mr. President, I agree with my colleague on the Appropriations Committee [Mr. OVERMAN] that so far as practicable we ought to avoid these lump-sum appropriations. I think we are traveling in that direction all the time. It is more difficult, however, in this particular department, much of whose work is of an experimental nature. Nearly all of its investigations are more or less experimental; and we have not yet arrived at a place where I feel that we could cut out all these sums. I am inclined to think if the Senator will examine the list of expenditures—I have not examined it closely myself—that he will not ask to have these sums cut out at this time.

Mr. OVERMAN. I should like to hear the statement to which I have referred read.

Mr. WARREN. It might be well for the Senator to ask that there should be an estimate for next year, if he prefers to do so.

Mr. OVERMAN. I hope hereafter the department will send an estimate of the number of men to be employed and their salaries, so that we shall be fully informed as to what we ought to do.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from North Carolina.

Mr. OVERMAN. I want to hear the information, Mr. President.

Mr. BURNHAM. I should be glad to have the Senator examine it.

Mr. OVERMAN. I want to know if I have stated the truth. The department spent $10,000 to publish a pamphlet, and they are going to publish another to cost another $10,000. They have four volumes, in which appear most expensive pictures of leaves and tree tracings. I had one of the volumes on my desk and I am sorry that it has been misplaced, for I should like to show Senators for what purposes they are spending the people's money. One pamphlet, as I have said, has cost $10,000. If that is not so, let us see what the cost is. That, however, is my information.

Mr. BURNHAM. The information the Senator desires may be this:

This appropriation provides for investigations in scientific forestry and for cooperation with States and private owners in forestry practice. It supports, in whole or part, seven experiment stations in the West where trained investigators are studying the problems encountered in the technical administration of the national forests.

Mr. OVERMAN. What I want to know is what that money is to be spent for?

Mr. BURNHAM. There are some figures given. They have a dendrologist at $2,500, although his salary is not fixed in the bill.

Mr. OVERMAN. They have also a silviculturalist.

Mr. BURNHAM. Does the Senator desire to have this matter read by the Secretary?

Mr. OVERMAN. The Senator can give me information as to how many will be employed and how much money has been spent. The fact that such appropriations have been carried for years and years on this and other appropriation bills is no reason why we should not now cut them out. If my recollection is correct about this particular item, it ought to have been cut out long ago. I want to know how the money is to be spent and for what it is to be spent. That is the information I am trying to get.

Mr. BACON. Mr. President, I suggest to the Senator that, as the committee is not prepared to give the information and as this is a House provision, it might be well for the Senate to strike it out, and then, if the House can show to the conference committee that there is a proper use for the expenditure, it can be restored. We certainly ought not to pass it unless they can show that it is a proper expenditure.

Mr. OVERMAN. Mr. President, I introduced a resolution to investigate this very department, but it was objected to, as if some one did not want an investigation of that particular department. I had the book to which I have referred on my desk to show to Senators. I hope the Senator will let the item go to conference, and when it goes into conference if the conferees agree that it is all right, I will be satisfied; but I know that great extravgance has followed lump-sum appropriations.

Mr. BURNHAM. Mr. President, so far as I am concerned, I have no objection, I will say to the Senator from North Carolina.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. BURNHAM. On behalf of the committee I offer an amendment to the amendment of the committee on line 23, page 20.

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

The SECRETARY. On page 20, line 23, in lieu of the proviso inserted at that point by the committee, it is proposed to insert:

That of the sum appropriated, $10,000 is to be used for testing the waste, tensile strength, and bleaching qualities of the different grades of cotton as standardized by the Government.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BURNHAM. On page 57, line 8, I move to strike out "thirteen" and insert "fourteen," so as to read "fourteen clerks, at $1,000 each."

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

The amendment was agreed to.

Mr. BURNHAM. On page 57, line 8, I move to strike out "forty-one" and insert in lieu thereof "forty," so as to read "forty clerks, at $900 each."

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

The amendment was agreed to.

Mr. BURNHAM. While I am on my feet I desire to make the suggestion that the Secretary be authorized to correct all totals.

The PRESIDENT pro tempore. That will be done.

Mr. JONES. On page 23, line 11, after the word "handling," I move to insert the word "marketing." I know we have a provision in the bill for a Division of Markets, but that may not be accepted. Of course if it is accepted, this will not be retained; but if it is not accepted, then I should like to have this amendment put in.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, line 11, after the word "handling," it is proposed to insert "marketing."

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

The amendment was agreed to.

Mr. JONES. Mr. President, I desire to call the attention of the chairman of the committee to the fact that I offered an amendment which was referred to the committee, reinstating a provision that was put in the bill by the senior Senator from Minnesota [Mr. NELSON] at the last session, with reference to the disposal of dead and down timber to homesteaders. I offered the amendment with the word "hereafter" in it to make it a continuing proposition. Am I correct in understanding that the department holds that the provision in the last bill to continuing law, and that therefore it is not necessary to have it inserted in this bill?

Mr. BURNHAM. It has been stated by the officials of that department that they so hold, and that they will act upon that theory.

Mr. OVERMAN. Mr. President, I want to call the attention of the Senate and I also want to print in the RECORD and I want the conference committee to take notice of a brief extract to show how this department estimates and the way this money is spent. I read:

Eastern forest studies	$24,000
Western forest studies	40,378
State cooperation	3,000
Forest management in the East	4,600
Dendrology	11,750
Total	83,728

I suppose that the item of $11,750 is to provide for the book to which I have referred. That is the only light on this $83,728 appropriation.

Mr. BURNHAM. Mr. President, if the Senator will turn over a little further, he will find the details.

Mr. OVERMAN. Ah, we have been paying two salaries. I am glad the Senator has called my attention to it. We have

provided for offices and fixed salaries, and now they come in and ask for a lump sum—I knew that was being done—of $83,728. What is that for? Not for offices created by Congress, with salaries fixed by Congress, but they take the lump sum and appoint a chief at $2,500, an assistant chief at $2,200, a forester assistant, and so on. A long list of offices is created by the chief of the department under the lump-sum appropriation, offices which Congress has refused to create, and for which it has never fixed salaries. That is what I am complaining about in connection with these lump sums. If I had time to go through these estimates—$170,000 for this and $85,000 for that, and so forth—you would find the same thing; you would find them creating offices in the department that Congress would not create if they had the matter before them and full information upon it. That has been done not only under this appropriation, but under others.

I am not complaining of the chairman of the Agricultural Committee, but I am complaining of these appropriation bills; and so long as I stay here these lump sums will have to go out, if the Senate will sustain me, as they have gone out at my instance in several cases. The lump-sum provisions have been abused. The money of the people has been spent in this way in creating offices, and lump sums, designed for the purpose of carrying on some investigation, have been made to fool Congress, while offices with large salaries attached have been created.

Mr. KENYON. Mr. President, I offered an amendment, which was printed some time ago, but I find the copy of the bill I had was not a correct print; so I shall offer the amendment now. After line 1, on page 25, I move to strike out all of page 25, all of page 26, and all of page 27 down to line 23. I do not know whether it is necessary to read all those lines proposed to be stricken out. I can explain the amendment in just a word.

Mr. SMITH of South Carolina. Will the Senator please state where he proposes his amendment shall begin and end? There was such confusion that I could not hear.

Mr. KENYON. Commencing after line 1, on page 25, striking out everything on pages 25 and 26, down to line 23 on page 27.

Mr. SMOOT. The Senator will also have to move to strike out lines 23 and 24 on page 27, will he not, because that is the appropriation.

Mr. KENYON. That is the appropriation for the whole Bureau of Plant Industry, while the amendment I have offered only affects the portion of the provision relating to the free distribution of seeds.

Mr. SMOOT. Then the Senator can afterwards change the appropriation if he shall so desire.

The PRESIDENT pro tempore. The Senator can move to amend further if his amendment is adopted.

Mr. KENYON. That can be done if the amendment is adopted, which I do not think will likely happen, but shall be gratified if it does.

Mr. CRAWFORD. Mr. President——

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

Mr. KENYON. I yield to the Senator.

Mr. CRAWFORD. I merely desire to ask the Senator a question. I have not examined the full scope of the Senator's suggestion. It appears that his amendment goes much further than I thought he really intended it to go. I agree with him with reference to a lot of this little nonsense in the way of sending out garden seeds and flower seeds; but I want to know if the Senator seriously means to contend that the provision for securing and distributing seeds adapted to the production, for instance, of drought-resistant plants in semiarid regions should be eliminated, and that the Department of Agriculture should cease its endeavors in that direction?

Mr. KENYON. Oh, no; not at all. I am very much in favor of that.

Mr. CRAWFORD. But part of the provision which the Senator is seeking to strike out appears to be devoted to that very purpose.

Mr. KENYON. That may be true as to the item of $39,000 for the purchase of drought-resistant field seeds.

Mr. CRAWFORD. We were discussing a moment ago the matter with reference to the securing of legumes from the steppes of Siberia and taking them out into the semiarid regions of the West.

Mr. KENYON. The Senator is correct as to that.

Mr. CRAWFORD. The advantage of that outweighs the abuses of a few cabbage and garden seeds and flower seeds, which I think ought to be cut out.

Mr. KENYON. I have no objection, of course, to the provision to which the Senator refers, and possibly the amendment may be modified so that those items to which he has referred may remain in the bill or a provision placed in it afterwards, if my present amendment should be adopted.

Mr. President, what I am striking at is the wasteful and indefensible expenditure of public money in sending garden seeds and flower seeds all over the United States. I am going to make this protest this year—I do not think it will do any good. Probably one might just as well protest against a river and harbor bill or a public buildings bill, but I am going to make the protest at the next session and to keep on with this protest until it may arouse some sentiment in its favor, because, of all the expenditures of public funds, this has grown to be the most defenseless and the most nonsensical.

The Postmaster General in his report informs us of a deficit—a heavy loss of revenue in 1912—due to the extraordinary amount of franked matter mailed in the political primaries, which made a temporary deficit, but states that since the close of the fiscal year the income of the department has again outstripped the expenditures.

The franking of seeds is but a part of the extravagance of the franking system. I remember, when I was a boy, of my father receiving a large envelope containing some seed packages with the name of a Representative in Congress in the corner. It occupied a very conspicuous place in our affections, and we felt quite delighted to think we were in such close contact with a distinguished Member of Congress. I have been disillusioned since. I asked the Secretary of Agriculture, through a resolution, to furnish the Senate the items of expense of purchasing and preparing for the mails the seeds which are distributed principally in congressional campaigns, and that report has just been printed.

Mr. WARREN. Mr. President, does the Senator allude——

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

Mr. KENYON. I do.

Mr. WARREN. The Senator speaks of distributing seed in congressional campaigns. We distribute vegetable and flower seeds every year. The political seed that goes out in the way of documents, which undoubtedly occasions the greatest amount of the deficit, of course goes out every two years; but the seeds proper go out every year in the same quantity without reference to elections.

Mr. KENYON. It is all political seed, I think, which goes out.

Mr. WARREN. Hardly so, I think.

Mr. KENYON. Last year in the purchasing of vegetable and flower seeds the Government spent over $122,000, and for the packeting and mailing $101,000. For the last four years the Government has spent approximately a million dollars for vegetable and flower seeds, few of which, I think, have ever been known to grow. The number of packages mailed during that time was over 48,000,000. So that this expense is not one alone of purchasing the seeds and preparing the seeds for mailing, but likewise an expense to the postal department for transporting. This constitutes an element in the deficit of the Post Office Department.

Mr. President, I am not objecting to any distribution of valuable seeds. This custom came down to us from the old colonial days. In the early days of the Republic Benjamin Franklin sent from the Old World many valuable plants and seeds, and Thomas Jefferson did the same thing from France. That was a valuable idea, and I will vote for sums of money, as the Senator from South Dakota [Mr. CRAWFORD] suggests, for valuable seeds and plants which may develop our waste places and assist in anything that contributes to the breakfast table of the world.

Mr. CUMMINS. Mr. President——

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

Mr. KENYON. Certainly.

Mr. CUMMINS. I desire to call the attention of my colleague to a possible change in the amendment that he has proposed. If he were to begin the process of elimination in line 5, page 26, with the words "an equal proportion," and so on, and strike out down to and including the word "department," in line 8, on page 27, would he not cover the point that he has in view?

Mr. KENYON. Will the Senator state again at what point he suggests that the amendment should commence or the exclusion commence?

Mr. CUMMINS. The exclusion commences after the period in line 5, on page 26, and continues down to and including the word "department," in line 8, on page 27.

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Mr. FALL. Mr. President, I suggest to the Senator from Iowa that also the words "*And provided also*" should be stricken out to the word "That," in line 17, page 27.

Mr. CUMMINS. That is true.

Mr. KENYON. The words "*And provided also*," on page 26?

Mr. FALL. On page 27.

Mr. CUMMINS. I believe that would provide for what might be called the valuable work of the Department of Agriculture in the way of experimentation, and would take away from the Members of Congress the large collection of seeds which is annually being distributed.

Mr. KENYON. Will the Senator offer that as a substitute?

Mr. CUMMINS. No; I simply suggest that to my colleague to see if it meets his approval.

Mr. KENYON. I am very agreeable to it.

Mr. FALL. Upon further consideration, I think the original suggestion of the Senator from Iowa is correct, as I notice there is a proviso left in this clause.

Mr. KENYON. Mr. President, I desire to withdraw the amendment I offered, and will offer a new one instead.

The PRESIDENT pro tempore. The Senator from Iowa withdraws his amendment.

Mr. KENYON. I now move to amend, by striking out, on page 25, except the first line thereof; page 26, lines 1, 2, 3, 4, and 5 up to and including the name "United States," and also, on page 26, the words in line 22, commencing at "*Provided also*," the remainder of page 26; and page 27 down to line 8, including the word "department" in that line.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 25, beginning with line 3, it is proposed to strike out that line and all down to and including the name "United States," in line 5, on page 26; also on page 26, line 22, beginning with the words "*Provided also*," to strike out the remainder of line 22 and all of the language down to and including the word "department," in line 8, on page 27.

Mr. BORAH. Mr. President, if this amendment is meant to be in the form in which it is moved——

Mr. KENYON. Just a moment; I misunderstood the situation, and I want to state it once more. It was not stated as I understood it. I want to withdraw that amendment and get it stated right this time. It is, to strike out, on page 26, from the word "an," on line 5, all of the balance of said page; and all of page 27 down to the word "department," on line 8.

Mr. POMERENE. May I ask what page the Senator is referring to?

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 26, on line 5, beginning with the words "an equal proportion of five-sixths of all seeds," it is proposed to strike out all down to and including the word "department," on line 8, page 27.

Mr. KENYON. Mr. President, I do not care to take any more time on this matter, but I desire to insert, as a part of my remarks, extracts from letters from two farmers in my State, which I will read.

Mr. DU PONT. I should like to make an inquiry. Do I understand that the amendment strikes out anything on page 25?

Mr. KENYON. No; it does not.

I have received some interesting communications from farmers in my State on this seed proposition, and I make bold to read extracts from two thereof.

One writes me as follows:

> Five of we farmers were in the store here the other day and each had received some packages of seeds from his Congressman. We drew lots to see who should have the seeds, and the man who got them took them over and put them into the stove. We then all went out and each one cranked up his six-cylinder car and went out to his farm. This seed business is an absolute farce, and it is time Congressmen quit thinking they were fooling the voters by sending them seeds.

Another is as follows:

> I wish you would send a package of seeds to Mr. ———

The name need not be mentioned.

> He is one of my enemies in this community. I can know of no way to punish him any more than to have him plant these seeds and try and get anything from them. My wife received some nasturtium seeds last year, planted them in the front yard, and we had quite a crop of cucumbers therefrom. Most of the neighbors here, when they get packages of seeds, laugh about it and wonder if the Congressman thinks that will get him another vote. It is time the Government went out of this kind of business.

I have only this to say: The distribution of seeds, as now carried on, is a farce, and every man knows it; and it ought to stop; it is a wasteful expenditure of public money.

Mr. BORAH. Mr. President, if this amendment should be adopted, would it not leave the law in such shape that parties desiring seed may write to the Agricultural Department and get anything they desire?

Mr. KENYON. I assume that is true.

Mr. BORAH. If it is not true, I am not in favor of this amendment.

Mr. SMITH of Georgia. It is impossible for us to hear on this side what Senators are saying.

Mr. LODGE. Mr. President——

Mr. BORAH. Perhaps the Senator from Massachusetts can tell me.

Mr. LODGE. As I understand the amendment, it leaves that portion which provides for the distribution of valuable plants and bulbs, which is the foundation of the whole thing.

Mr. KENYON. Yes; it does. There is no question about that.

Mr. LODGE. It leaves those untouched, for distribution to persons who apply, and who are anxious to use them for the purposes for which the appropriation was really intended. I take it that the object of the Senator from Iowa, as it has been my object in years past, is to get rid of the wholesale distribution of common seeds, purchased by contract from seedsmen, and which are sent broadcast through the country, which are neither valuable nor rare, and which do not help in the development of agriculture or horticulture or anything of the kind. They are purely political seeds, and it is a mere waste of the public money.

I have made this protest a great many times, and I am glad to know that somebody else has come into the Senate who is ready to make the same protest.

Mr. SMITH of South Carolina. Mr. President——

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

Mr. LODGE. Certainly.

Mr. SMITH of South Carolina. I simply wanted to ask the Senator from Massachusetts if he means by his remarks that he wants to destroy all political seed in America?

Mr. LODGE. That can be confined to printed seeds, the seeds of truth that go out in speeches.

Mr. BORAH. Does not the Senator from Iowa, then, want to turn back to page 25 and strike out—

> of which amount not less than $256,100 shall be allotted for congressional distribution.

Mr. LODGE. That is the key of the position. That is the real thing. The rest can be left. We struck out the senatorial and congressional allotments before. If we leave out the money it will stop.

Mr. BORAH. Mr. President, I think that ought to go out to be in harmony with the other amendment.

Mr. McCUMBER. Mr. President, if the Senator takes that out he takes out the portion which is used for the purchase of the alfalfa of which we have been talking, and other seeds that are to be used in the territory mentioned, because it is out of the $256,100 that the $39,000 is to be taken.

Mr. BRISTOW. Mr. President, the sum of $39,000 can be deducted from the $256,100 and reduce the $256,100 by $39,000. That will accomplish the purpose.

Mr. SMITH of Georgia. Mr. President, it is impossible to hear what the Senators are saying on the other side.

The PRESIDENT pro tempore. Complaint is made that Senators speaking are not heard on the opposite side of the Chamber. They will kindly speak more distinctly.

Mr. SMITH of Georgia. Before the amendment is put and before it is read, I wish to say that if an amendment can be adopted which simply strikes out the seeds that are distributed by Senators and Congressmen I am thoroughly in favor of it. I do believe, however, that there should be seed distribution from the Agricultural Department. I think the plan of that distribution should be to place into localities seeds determined upon by the department which it believes are needed to begin the production of seeds for some particular class of culture which, in the opinion of the department, will advance the agricultural interests of the particular section involved. I should regret exceedingly to have the bill so changed as not to leave money for that purpose. I should be exceedingly pleased if the appropriation now made for seed could be all devoted, and if the department could be required to devote it all, to the selection, propagation, and distribution solely of seeds which, in the opinion of the department, are needed for special localities to begin the culture of something desirable for the locality, but not already known by the locality.

Mr. LODGE. Mr. President, I think we all desire to preserve the distribution desired by the Senator from Georgia. That is the wording of the bill—

> For purchase, propagation, testing, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants.

That is what we want to preserve. But there is tacked on to that appropriation this great sum of money which is expended

merely in buying seeds from seedsmen by contract. They are not valuable. They are of no use for the purpose of propagation, testing, or distribution. They are merely sent out—well, to gratify those who send them, I suppose.

Mr. SMITH of Georgia. It is proposed, as I understand, to leave the appropriation for valuable seeds?

Mr. LODGE. Certainly.

Mr. SMITH of Georgia. And to strike out the appropriation for common seeds?

Mr. LODGE. It should be arranged so as to get rid of the ordinary seedsman's seeds which do not correspond to this description. Of course, in such cases as the Senator from North Dakota suggested, those are just the ones we want to have distributed and have preserved; but what I should like to see gotten rid of is this wholesale distribution of seeds that are of no value and that can be bought at any seedsman's store.

Mr. GORE. I should like to ask the Senator from Massachusetts, and also the junior Senator from Iowa, if it would not accomplish the end they have in view merely to strike out the words "for congressional distribution"? That would give the Secretary of Agriculture this appropriation with which to purchase and distribute valuable and rare seeds.

Mr. BORAH. Mr. President, it seems to me that if we should offer a separate amendment, to strike out, in line 12, page 25, the words "of which amount not less than $256,100 shall be allotted for congressional distribution," that would cure the entire evil.

Mr. LODGE. Mr. President, if the Senator will allow me one moment before he takes his seat, the amount expended for congressional seeds is $256,000. The amount expended for valuable seeds is, in round numbers, $40,000. I suggest that we take out the congressional seeds, say a quarter of a million dollars, and continue the distribution of valuable seeds.

Mr. DU PONT. Mr. President, I suggest, as a practical solution of the problem raised by the various suggestions which have been made, that in lines 12 and 13 the words "of which amount not less than $256,100 shall be allotted for congressional distribution," be stricken out, and the words "or as much thereof as may be necessary" inserted in line 12. That will leave the authority for the distribution and they can expend all that is necessary for the distribution of valuable seeds, such as alfalfa, which has been referred to here several times.

Mr. WORKS. Mr. President, I am very anxious to do anything I can to further the movement to rid ourselves of this system of distributing seeds. I think it is one of the greatest humbugs that was ever palmed off on an unsuspecting people. The misfortune about it is that Members of Congress willingly make themselves parties to the distribution of these seeds, and then come in and propose to change the law that they can very easily change themselves by refusing to be a party to it and renouncing any right or desire to accept and send out the seeds.

It seems to me we might put an end to this system by simply abolishing it ourselves. There is no reason why that should not be done.

Mr. BORAH. Mr. President——

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

Mr. WORKS. I yield.

Mr. BORAH. Congressmen should not be tempted any more than anybody else, and the best way to get rid of it is to strike out the provision wholly. It can not be done then, and in that event it will not be expected to be done on the part of any of them.

Mr. WORKS. I am perfectly willing to support an amendment of that kind, but it certainly is an evidence of weakness on our part if we allow ourselves to be tempted in this way.

Mr. JONES. Mr. President——

Mr. WORKS. I yield to the Senator from Washington.

Mr. JONES. I want to suggest to the Senator that we have a provision in here that those seeds which are not used or distributed by Senators and Representatives by a certain time shall be disposed of by the department. The result of it would be that the allotment of those who would not take them would then be distributed to those who wanted them.

Mr. WORKS. I recognize that weakness in the law, and had it not been for that I should have refused to accept the seeds myself; but I knew the consequence would be that they would be distributed, anyhow. I am in entire sympathy with the effort to eliminate this provision entirely from the law.

Mr. KENYON. The Senator from Oklahoma asked a question of me, I think, and I do not know whether it has been answered or not. I have not answered it.

If the amount reserved for congressional distribution were stricken from the bill, which is the purpose of my amendment, the amount of $295,100 would remain, which would be used under the care of the Secretary of Agriculture for the proper expenditure. That would include also the $39,000 to which the Senator from North Dakota has referred. So if this amendment that I have proposed is adopted, it should be followed also by one striking out the portion of lines 12 and 13 which relates to the amount reserved for congressional distribution.

Mr. DU PONT. Should not the words "or as much thereof as may be necessary" be inserted?

Mr. KENYON. In place of that?

Mr. DU PONT. On lines 12 and 13, in place of what you strike out.

Mr. KENYON. I do not catch the Senator's point.

Mr. DU PONT. I suggest inserting the words "or as much thereof as shall be found necessary."

Mr. KENYON. As much of what and for what?

Mr. DU PONT. Of the $295,100.

Mr. KENYON. Oh, yes; there will be no trouble about that.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Iowa a question. The proposition was made by the Senator from Oklahoma to strike out "of which amount not less than $256,100 shall be allotted for congressional distribution." Does the Senator from Iowa understand that the $256,100 includes the expense of distribution as well as the cost of acquiring the seeds and putting them into proper form for distribution? If the proposition of the Senator from Oklahoma obtains—by striking out "of which amount not less than $256,100 shall be allotted for congressional distribution"—that will leave the original amount of $295,100 to be used by the Secretary of Agriculture in purchasing such seed as is contemplated in the first three lines at the top of page 25, and will also leave the right of the individual to apply for these seeds as he may desire. Does not the Senator think that taking the amendment proposed by the Senator from Oklahoma would meet the very object that the Senator from Iowa has in view?

Mr. KENYON. I did not hear the amendment proposed by the Senator from Oklahoma. My attention was diverted at the time. What was it?

Mr. SMITH of South Carolina. The amendment proposed by the Senator from Oklahoma was, on line 12, page 25, after "$295,100," to strike out:

> Of which amount not less than $256,100 shall be allotted for congressional distribution.

He proposes just to strike out the two lines, instead of the $295,100.

Mr. KENYON. Of course the difficulty with that is this: I notice in reading the section that it would be rather incongruous, because the Secretary is instructed under another section to go ahead and secure these competitive bids.

Mr. SMITH of Georgia. If the Senator will allow me, I should like to suggest that if we should strike out, in lines 12 and 13, after "$295,100," the words down to "and," in line 13—that is to say, strike out the words:

> Of which amount not less than $256,100 shall be allotted for congressional distribution—

And then go down to line 19, and, beginning with the last two words in that line, "and in," strike out the balance of that page, all of page 26, and all of page 27 down to:

> *Provided further*, That $39,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct, may be used for the purchase and distribution of drought-resistant field seeds through the Great Plains—

And so forth.

We will leave the Secretary of Agriculture with the appropriation and charged with the duty of using the money to investigate seed problems and distribute himself such seeds as in the opinion of the department might be valuable, and we will eliminate altogether the congressional distribution.

Mr. KENYON. I think the Senator's suggestion is valuable if we are prepared to appropriate that much money for that particular purpose. Does the Senator feel that the amount of $295,100 is necessary or desirable?

Mr. SMITH of Georgia. I would add to the prior language:

> Or so much thereof as may be necessary.

Mr. DU PONT. That is what I have already suggested.

Mr. KENYON. I am inclined to think that is a good suggestion.

Mr. SMITH of Georgia. It will be changed, then, to distribution by the department, the department being charged with distribution for the advancement of agriculture and for the benefits that can be derived from such a distribution.

Mr. JONES. Mr. President, I desire to ask the Senator from Iowa, and also the Senator from Georgia, why it would not be satisfactory to do this: If you want to leave in the amount, strike out all of the paragraph after the amount "$296,000,"

in line 11, down to the proviso on page 27; strike out all the remaining part. That will allow the Secretary of Agriculture to purchase, propagate, test, and distribute valuable seeds, bulbs, trees, and so forth.

Mr. SMITH of Georgia. It would then be limited to propagation and distribution.

Mr. JONES. Testing would be included, also.

Mr. SMITH of Georgia. Testing, propagation, and distribution; but he might deem it necessary to make some purchases for distribution.

Mr. JONES. He is allowed to purchase. It begins, "For purchase."

Mr. SMITH of Georgia. Oh, yes; those are the first words. I do not think we need any of that language, then.

Mr. JONES. I suggest striking out all after the amount "$296,000," down to the proviso on page 27. I suggest that amendment.

Mr. DU PONT. I again suggest to the junior Senator from Iowa to insert the words "or so much thereof as may be necessary."

Mr. KENYON. I have had so many suggestions that I am a little confused, but I think I have it straightened out now. In order to clear the record, I am going to offer the amendment which I will state.

The PRESIDENT pro tempore. Does the Senator withdraw the amendment he has already offered?

Mr. KENYON. I withdraw my other amendment, and offer the one I am about to state.

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa is withdrawn. The Senator from Iowa now offers the amendment which will be stated.

Mr. KENYON. I move to insert on page 25, line 11, after "$296,000," the following:

Or so much thereof as may, in his judgment, be deemed necessary.

The PRESIDENT pro tempore. The Senator's bill does not seem to correspond to the one in the hands of the Secretary as to the numbering of the lines.

The SECRETARY. On line 12, after "$295,100," is is proposed to insert:

Or so much thereof as may be necessary.

Mr. GRONNA. Will the Senator from Iowa yield to me for a suggestion?

Mr. KENYON. I should like to get this straightened out.

Mr. JONES. I desire to suggest to the Senator from Iowa that the words "$296,000" have been struck out of the bill.

Mr. KENYON. Please let me get this straight. I move, after the figures "$295,100," in line 12, page 25, to insert "or so much thereof as may be necessary."

And I move to strike out all the balance of pages 25, 26 and 27, down to the words "*Provided further*," in line 17, page 27.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 25, line 12, after the numerals "$295,100," and after the comma, it is proposed to insert "or so much thereof as may be necessary."

And beginning with the words in line 12, "of which amount," it is proposed to strike out the remainder of the page, all of page 26, and all of page 27, down to and including the words "and plants," in line 17.

Mr. GRONNA. Mr. President, I want to be heard for just a moment before this is voted on. I want to say to the Senator from Iowa that the amount should be amended. I do not see any necessity for appropriating $295,100 for the purchase of seed if you are going to do away with the amount that is allotted to Members of Congress. I was simply going to suggest to the Senator to strike out the $295,100 and insert $50,000, and then put in the proviso. The ten or eleven thousand dollars could then be used for the purchase, propagation, testing, and distribution of these rare seeds.

Mr. KENYON. I will suggest to the Senator from North Dakota that the matter is left in the discretion and the wisdom of the Secretary of Agriculture. Assuming that he wants to make an experiment along the line that the Senator himself suggested, as to alfalfa, he has a fund at his command. He is not compelled, of course, to use it all. I have confidence that the present Secretary of Agriculture would not in any way abuse that privilege. Certainly the incoming Secretary will not do so. It leaves the fund at his disposal, to investigate and use in a proper way.

Mr. GRONNA. My impression is that if we are to do away with the congressional distribution of seeds we should really reduce the amount that should be appropriated.

Mr. KENYON. I should have no objection to that; in fact, favor it; but I think probably other Senators might.

Mr. GRONNA. We might limit the amount, say, to $100,000.

Mr. SMITH of Georgia. Mr. President, it is impossible for me to hear the Senators.

The PRESIDENT pro tempore. Complaint is made that it is impossible for Senators to be heard. If Senators would address the Chair and face the Chair in conversing with each other, there would be less difficulty.

Mr. GRONNA. I was simply saying that if we do away with the distribution of seeds by Congress the total should be reduced. Instead of appropriating $295,100, we ought to reduce the total amount to about $100,000, and then say how much of it should be used for drought-resisting plants.

Mr. DU PONT. Mr. President, will the Senator yield to me?

Mr. GRONNA. Yes.

Mr. DU PONT. I would suggest that the difficulty is that we have no exact figures; and as this is a committee amendment I suggest that the whole subject should be reviewed in conference. It can be better adjusted there than it possibly can be done here in the Senate.

Mr. FALL. Mr. President, the amendment proposed by the Senator, now pending, would strike out the provision of this act which requires a report to be made by the Secretary of the seeds purchased, and so forth, and would also strike out the only provision at all for the distribution of seeds. Senators will notice that in line 8, page 27, there is the only provision for such report and for the distribution of such seed. That is in line 8 and following, down to and including a portion of line 13. That is the only provision for a report from the Secretary and the only provision whatsoever for the distribution of the seeds, except that theretofore contained in the paragraph providing for the distribution by Congress. How these seeds, if the amendment is to be adopted as suggested, would be distributed the Secretary can inform us.

Mr. KENYON. I assume that if there were no direction to the Secretary to distribute, it would not interfere with his right.

Mr. FALL. If the Senator would confine his amendment to striking out all on page 27 down to the words "*And provided also*," in line 8, but leave the amount to which they are entitled, and provide for a report by the Secretary as to the method of distribution; that is, on the application of people who actually want the seeds, this, Mr. President, would be an amendment to the amendment now pending. I move that the matter stricken out end with the word "department," in line 8 on page 27, leaving the balance of the paragraph on page 27 to stand.

Mr. KENYON. If it is proper, I will accept that amendment to the amendment.

The PRESIDENT pro tempore. The amendment as modified will now be stated.

The SECRETARY. On page 25, line 12, after the numerals "$295,100" and after the comma, insert the words "or so much thereof as may be necessary," and, beginning on line 12, strike out all of the bill down to and including the word "department," in line 8, on page 27.

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

The amendment was agreed to.

Mr. JONES. I think the amount for drought-resisting seed should be increased somewhat, and on page 27, line 18, I move to strike out the amount "$39,000" and insert "$75,000."

Mr. SMITH of Georgia. The Secretary would have the right to use any part he saw fit now, under the bill.

Mr. JONES. I think that is probably true.

Mr. SMITH of Georgia. I really do not think the provision at the close of page 27 is required at all, but I thought probably we had best not strike it out. He might say he must put them out in that way. But the whole matter for the first year will be left to the Secretary of Agriculture.

We are simply saying to him we are not cutting down the money to be spent for seeds, but we are going to quit distributing them politically, and we are going to see for one year what you will do with it, and when we get the report we will either reduce it or govern ourselves by the result of our experience. I know we are improving on what is going on now.

Mr. JONES. I agree with the Senator, but I was afraid if we left the provision in the Secretary would think it was a direction to use not more than $39,000 for these seeds. I know the supply is short because I have had many requests refused. So it seems to me by leaving the amount we have standing it will not do any harm.

Mr. SMITH of Georgia. Suppose we just provided that so much thereof as the Secretary of Agriculture shall think necessary may be used for the purchase and distribution of drought-resisting seeds, striking out the appropriation of $30,000.

Mr. JONES. That would be agreeable to me.

Mr. SMITH of South Carolina. I should like to ask the chairman of the committee if the Secretary did not state to the committee that $39,000 would be sufficient under the conditions now existing for the purchase and distribution of these drought-resisting seeds?

Mr. SMITH of Georgia. We will be leaving it entirely to the Secretary of Agriculture. We strike out the words "thirty-nine thousand dollars" and leave it broadly for the first year to see what he can do with it. We may feel sure that he will not do worse than it was before.

Mr. JONES. And not specify any amount at all?

Mr. SMITH of Georgia. Strike out the amount.

Mr. JONES. I accept that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, line 18, strike out "$39,000 of which sum or," so as to read:

Provided further, That so much thereof as the Secretary of Agriculture shall direct may be used, etc.

Mr. McCUMBER. Mr. President, I hope the amendment will not carry. I want the next Secretary of Agriculture, whoever he may be, to be bound to consider this alfalfa question. I do not want to leave it entirely in his discretion as to how much he can use for that purpose. I want every dollar's worth of seed that can possibly be purchased from abroad to be brought into this country next year for distribution in the country. The Secretary evidently seems to think he can use at least $39,100. My own belief is that he can find seeds enough to amount to at least $50,000.

It was my intention to move to increase the appropriation to $50,000, so as not to leave it discretionary with the Secretary of Agriculture to select what he himself felt that he would like to give. Having determined ourselves that these seeds are very valuable, we ought to determine at least that the Secretary shall spend so much for them. I do not want to leave it in his discretion, but to compel the purchase of every pound and every bushel that can be purchased for distribution until we equal the demand in this country.

Therefore, I hope the amendment to strike out "$39,000," leaving it in the discretion of the Secretary of Agriculture, will not be adopted.

Mr. FALL. Does the Senator think that the Secretary of Agriculture understands, if we use the term "drought resisting," that it covers the "cold-resisting" seeds in which the Senator is interested? For instance, the Siberian alfalfa which has been under discussion here is a cold-resisting plant——

Mr. McCUMBER. As well as a drought-resisting plant.

Mr. FALL. And not solely a drought-resisting plant. As I understand the object of the Senator from North Dakota, it is to secure seeds which are suitable for that climate, and I think that is perfectly proper, just as it is the object of Senators from the Southwest to secure seeds which are suitable for our region.

Mr. McCUMBER. I do not think that it is necessary, however, to insert the words "cold resisting."

Mr. FALL. If the Senator is satisfied, I am.

Mr. CRAWFORD. I do not think any change is necessary, because the region where it is cold is also afflicted with drought in almost all cases.

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

Mr. SMITH of Georgia. What is the amendment now?

The PRESIDENT pro tempore. It will be again stated.

The SECRETARY. On page 37, line 18, strike out "$39,000 of which sum, or."

The amendment was rejected.

Mr. McCUMBER. I move to strike out the figures "$39,000" and insert in lieu thereof "$50,000," so that it will read "$50,000 of which sum, or so much thereof as the Secretary of Agriculture shall direct," and so forth.

Mr. SMITH of Georgia. At first, Mr. President, I was disposed to insist that it was hardly fair to undertake to press for the distribution of this particular class of seed in this way. We have a vastly larger product—that of lint cotton. I might well ask that $200,000, in the same proportion, be devoted to the selection of boll-weevil resisting seed and certain other diseases of the cotton plant. But this experimentation in the dry section is new in its nature, and the immediate use of more for that section is probably a pressing necessity. While I am opposed to the idea of our undertaking to classify the distribution, I am going to vote for the amendment.

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

The amendment was agreed to.

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

Mr. SMITH of Georgia. Mr. President, I wish the attention of the Senate for a brief time before the passage of the Agriculture appropriation bill. I regard the agricultural appropriations as the most useful made by Congress. I believe we can be more absolutely sure that each dollar spent through this bill brings more than a dollar's worth of return to the general public than we can of any other appropriation.

We can not overestimate the importance to all the people of the successful management of farms in our country. Over one-third of our population are actively engaged upon farms. Not only is this true, but the balance of the people must depend upon the successful culture of the soil for their food supply, for most of the raw material that enters into our industries, for the chief part of our export trade that brings yearly balances in our international settlements, and also for a class of splendid men, strong mentally, morally, and physically, the result in part of the privilege of rural life.

Mr. President, I am gratified we can justly claim that during the past two years we have done something more substantial than before for farm life. We have established a parcel post, which, with its cost varying according to the length of distance packages are to be carried, will enable the farmer to send his small products readily to market, carrying them directly to consumers, and also get back to his farm easily the smaller commodities which he wishes to buy.

We have pending a measure which will carry all the knowledge which has been acquired during the past 25 years in the colleges of agriculture and experiment stations to the farmer on his farm. This measure may not pass at the present session, but it has been fully discussed and its value has been presented to Congress and to the country. It will certainly become a law in the near future.

We have in this bill a provision presented by the Senator from North Dakota [Mr. GRONNA] by which the National Government is to aid in the study of farm loans. We have also in this bill a provision with reference to a market division to be established in the Department of Agriculture.

I desire, Mr. President, to present a few facts with reference to the proposed market division.

Twelve months ago we passed the same measure through the Senate; it went to the House, and the House conferees, instead of passing it, gave us an appropriation to investigate the value of such work. When the report as a result of that appropriation was completed, a splendid showing was presented of what might be accomplished by the proposed division of markets.

The Senate then passed the original bill and sent it to the House independent of the appropriation bill; it went to the Committee on Agriculture and a unanimous report from the Committee on Agriculture was made in favor of it, and it is now pending in the House. So when we send this measure to the House on the Agricultural appropriation bill now, it is after a most thorough investigation both in the House and in the Senate.

Since the passage of this bill at the last session of Congress the necessity for furnishing information upon the subject of marketing crops both in the interest of farmers and consumers has been commended by numerous agricultural publications and by the press generally. It has also been made the subject of investigation and discussion by men who devote time to the study of economic problems, and I am yet to see an unfavorable expression with reference to it. I believed in it when we considered it before; I am impressed with its necessity now.

Farmers are scattered throughout the country, and to a great extent isolated. The facility for the acquirement of accurate information about how to market their products is limited. Among few of them is their cooperation in the all-important problem of obtaining money for what their labors produce.

The waste which takes place between the producer and the consumer is startling.

Mr. B. F. Yoakum has recently contributed a most interesting article upon the "High cost of selling," and in this connection has urged the tremendous saving that can be made by concerted action on the part of producer and consumer if the Government will gather the information needed and point out to the farmers and to the consumers of farm products how savings can be made.

He estimates that the sale of the crops of 1912 yielded to the farmers $6,000,000,000, and that these same crops when they reached the consumers cost the enormous sum of $13,000,000,000; or, in other words, that the consumers paid $7,000,000,000 more for the crops than the farmers received. He estimates that of this $7,000,000,000, less than $500,000,000 were received by the railroads for transportation, leaving $6,500,000 of loss between the producer and the consumer in excess of the cost of transportation. Allowing to the dealers and retailers $3,745,000,000, he still leaves

$2,760,000,000 paid by the consumers in excess of what the farmers and the railroads received and the retailers' profits. His conclusion is that an enormous waste takes place between the producer and the consumer, which, properly studied by a department of the Government equipped for the work, can be saved and which, divided between producer and consumer, would average $200 per annum per family.

The Saturday Evening Post gave, not long ago, some interesting figures, the result of a careful investigation as to what the farmers received and the consumers of the city of New York paid for the following articles of food:

	Paid to farmer.	Paid by consumer.
Eggs	$17,238,000	$28,730,000
Cabbage	1,825,000	9,125,000
Onions	821,000	8,212,000
Milk	22,912,000	48,880,000
Potatoes	8,437,000	60,000,000

Mr. SMITH of Georgia. A report published by authority of the city of New York last year showed the annual total food supply at the city terminals of New York City cost $350,000,000. This included freight charges, yet the consumers in New York City paid $500,000,000 for the same food. It was estimated that the difference in this cost was largely in handling it, and only a small part went in profits to the dealers.

Dr. Holmes, of the Agricultural Department, after making a careful investigation of the difference between what the producer receives and the consumer pays, has reached the conclusion that the consumer pays for his vegetables, fruits, poultry, and dairy products on an average twice as much as the farmer receives.

Secretary Wilson has expressed the same opinion when he said:

The consumer pays $1 for food; the farmer gets less than 50 cents for it. Who gets the balance?

We may not hope that this vast sum reaching into the billions can be saved either to the farmers or to the families in the cities, but we can not doubt that immense waste takes place which a better system of selling and a more intelligent system of buying will largely overcome. It is to the study of these problems that the market division in the Agricultural Department must be devoted.

For a number of years the Government has been seeking to test out truths which will enable the farmer to increase the productiveness of his soil while he lessens the cost of production. This work is of much importance, and I hope for far greater results from it in the future.

All knowledge which can facilitate the productiveness of our agricultural resources is essential to our national prosperity and to the prosperity and independence of the individual farmer, but the farmer is entitled to more than a mere increase of crop yield. To bring that prosperity on the farm, which those who till the soil are entitled to have, farmers must sell their products at prices which will give them profit in money. To accomplish this the Government must take up the subject of marketing farm products with the same energy that it devotes to the production of farm products.

While the farmer is shown how to vary his products and to increase them, he should be given the necessary information which will enable him to sell these products in the best markets at the best prices, and how to avoid the waste which frequently falls upon the farmer from not knowing how to find a profitable market.

The present appropriation proposes to begin the work of the market division in only a small way, but I have no doubt in a few years half a million dollars a year can be spent with immense advantage to our people as individuals and to the Nation as a whole in this work.

It is proposed, through the division of markets, to investigate systems of marketing farm products, cooperative and otherwise, in practice in the various sections of the United States and foreign countries and collect data with reference thereto. The information and data thus collected is to be distributed to farmers, farmers' organizations, and societies of consumers throughout the various sections of the country and be made available for the use of individuals and organizations, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of the Agricultural Department.

It is to be made the duty of the head of this bureau to investigate the demand for farm products in various trade centers and give specific data as to supply, normal demand, and prices, with a view of furnishing information as to the best available markets. It is to be the work of this division of markets, by telegraph, telephone, mail, or otherwise, to report to farmers and farmers' organizations and societies of consumers such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at the least cost and greatest advantage.

The farmer has only done half of his work when he makes his crop; the other half is selling it. Properly managed, in a few years the market division in the Agricultural Department, for which this bill provides, will immensely aid the farmer in that part of his work which is to make his crop bring him a just price.

When we realize that the final consumer pays twice as much for what the farmer raises as the farmer himself receives, it is evident that by better modes of selling and better modes of buying the farmer can increase his prices. I see in this work a great service to all engaged in agricultural pursuits, while at the same time it can lessen the cost of living to the balance of our citizens.

I wish to add an extract from the report of Dr. Holmes on this subject which was contained in the report of the Agricultural Committee of the House. I ask to have it printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The extract is as follows:

RECOMMENDATIONS BY DR. HOLMES—OUTLINE OF SERVICE OF MARKET DIVISION.

1. A survey of the systems of marketing farm products clearly discovers what the farmers can best do to their advantage. They must associate themselves together for the purpose of assembling their individual contributions of products, of shipping in carload lots, of obtaining market news at places to which it is practicable to send their products, to sell in a considerable number of markets if not in many markets, and to secure the various other economic gains of associative selling. But farmers need some help in establishing associations. They always need a leader for such purpose, and there may be no leader.

A division of markets could perform excellent service in helping farmers to help themselves to organize marketing associations. These associations could either handle their products until sold in various markets or could ship their products to a noncooperative marketing agency which would take charge of the entire business of distribution from a central receiving point. It seems not always to be feasible to market products cooperatively, or, at any rate, the producers are not always disposed to do so. However that may be, there are many noncooperative marketing agencies in this country that are performing excellent service for farmers, and some of them are doing a business of immense proportions. A division of markets, equipped with a corps of competent field agents, could get into touch with farmers for the purpose of promoting the organization of marketing associations wherever the farmers request assistance or information; the agent could meet the assembled farmers and practically organize them if they desired.

It can hardly be doubted that this service can be successfully performed and, eventually, with results greatly beneficial to farmers.

The traveling field agents also could perform good service in examining into the affairs of weak and unsuccessful marketing associations and advise changes for their improvement.

2. Farmers may organize well for selling their products, and they may receive daily from their markets all that could be desired in information relating to prices and to existing market conditions, but this is not all that they need for the businesslike marketing of their products. They should know what the production of the crop is to be, and this information is equally important to consumers.

For many years the Department of Agriculture has estimated the production of principal crops after harvest, and during the last year or so has been indicating the prospective production of some of the principal crops a short time before harvest. A knowledge of what the crop is to be is most essential in marketing. As soon as the farmer begins to harvest he should have in mind a fairly definite idea of the volume of the crop throughout the country in order that he may occupy a place in the market that is fair to himself, or, as the case may be, a place in the market that is fair to the consumer.

The crop-reporting service of the Department of Agriculture has never included in its quantitative estimates the vegetable, fruit, and berry crops. Trustworthy estimates of the production of these crops require a system different from that in use for estimating the production of the cereal crops, for instance, and estimates for these crops can not be made without the expenditure of much money.

If a division of markets is established, it should be equipped for ascertaining, in connection with the other crop-reporting service of the department, the prospective quantitative production of all vegetable, fruit, berry, and other crops that are of considerable commercial account, the production of which is not now estimated quantitatively by this department. For this purpose local correspondents could be employed, and in addition to these it would be necessary to employ, under salary, local agents and traveling field agents.

3. Marketing associations have at least fairly well worked out the problems of grading and packing products, but the independent producer is poorly equipped with knowledge concerning this subject, and even the associations do not agree in practice where it would be better for them and for the consumer if they did.

It is desirable, therefore, that a division of markets, if established, should be authorized to investigate the subjects of the grading and packing of products, and also the subject of the character of the package or container, the questions of weights and measures, and the peculiar problems of market preferences. Uniformity in practice in grading and packing may not be everywhere feasible throughout as large a country as the United States, but undoubtedly it should be greatly promoted. The same remark applies to weights and measures and the size and character of packages and containers.

4. General market news service is not recommended. If such service were derived from telegraphic reports, the expense would be enormous. If derived from reports of local agents sent by mail, the expense would

be large and the service would not be prompt. Whatever this service might practically be, it would not be useful to marketing associations and agencies, for the reason that they would already know the facts from their own sources of information before the department's report could reach them.

There may be a telegraphic service, however, outside of news at markets, which would be new and serviceable, consisting of prompt reports of the time of the beginning of shipments from places of chief production, the time of the ending of shipments from such places, and, perhaps, reports of the quantities of shipments, actual and prospective, from the principal shipping places. The expense of such undertakings, however, would be large.

5. As previously indicated, if a division of markets is established it should be provided with a corps of traveling field agents and a large corps of local agents and correspondents. The various utilities of these agents and correspondents may be partly itemized as follows:

To help producers to organize for marketing cooperatively or through a noncooperative agency; the examination of local difficulties; to help producers to find markets; to report the current descriptive condition of crops in addition to the work already done by the department's crop-reporting service; to estimate the probable production of crops a short time before harvest; to report the beginning and ending of the shipping season; to report the crop movement from producing points through "gateways" to principal markets.

6. A division of markets must naturally be concerned with problems of transportation. It should be empowered to ascertain the facts with regard to the routes, methods, time, and costs of transportation by all kinds of carriers from chief producing to chief marketing points and for such minor points as will provide information that will be required by the public.

7. Storage has become an important feature in the distribution of farm products, and a division of markets should be able to investigate public storage rates and accommodations at all points, and also the subject of storage in transit, and to compile data comparing the gains or losses due to selling just after harvest with those due to selling after a period of storage. The storage may be either on the farm or elsewhere.

8. The business of a commission merchant is of such high importance in the distribution of farm products that his business should be a subject for investigation by a division of markets. If a list of trustworthy, honest, honorable commission merchants could be established and published, it would be of service to farmers. A list of commission merchants in a city for which the board of trade or chamber of commerce will stand as sponsor might be published by the department.

9. It is a matter of some importance that the costs of the distribution of all farm products from producer to consumer should be investigated. These costs should be itemized, and their total should be compared with prices at the farm and with consumers' prices.

10. A description of principal markets should be prepared and published. Among the items of the information to be covered in such description would be the hour of opening market places; the local fancies of consumers; how products are handled; the relative supply, by months, throughout the year; the course of prices; methods of sale, as through the commission merchant or wholesale dealer, at auction, etc.; imports from foreign markets.

11. A description of chief producing regions would have some utility. It might well be devoted to the characteristics of the products, the methods of marketing, the places where products are marketed, producers' prices, competition with other producing regions, etc.

12. Notwithstanding the decline of exports of some important farm products, the export trade is still of enormous amount, and probably will be so for an indefinite time. There are many agricultural producers to whom information with regard to foreign markets might be useful, who are not now exporting and are not likely to export unless provided with information. For some products, such as fresh apples, other fruits, some of the vegetables, and other products with minor exports, information might well be published concerning the method of reaching foreign markets, methods of selling in them, prices, gross and net, costs of exporting, the best time to export, and difficulties, if any, in connection with the tariff, etc.

13. To make, keep, and publish an elaborate record of prices of farm products would be a useful service that could be performed by a division of markets. Among the classes of prices that might well be compiled are producers' prices at the farm, wholesale prices, and retail prices.

14. It would be important that a division of markets should make, maintain, and publish a list of associations for marketing farm products and of agencies for marketing for associations of farmers and a list of buying associations and agencies of associations of consumers. In addition to these, annual statistics should be collected and published concerning the business done by marketing associations.

15. The experience of marketing associations in foreign countries for possible utilization by producers in this country should be ascertained and made known to them, and for this purpose a division of markets should investigate the systems of marketing farm products in other countries and publish the results, especial attention being given to those features which it may be presumed might be adopted beneficially in this country.

16. For much of the work of a division of markets dependence would need to be placed on publications, including periodicals, and it should be authorized to expend a large amount in the beginning and a liberal amount annually for the purpose of establishing and maintaining a library.

17. A division of markets must necessarily publish bulletins, circulars, and information in other forms. The results of its investigations of the facts pertaining to particular topics and problems must continually present themselves for publication, and provision should be made therefor.

18. A cheapening of farmer's costs of marketing will naturally result in gain to the producer rather than to the consumer. If the consumer is to gain by changes in the cost of distribution, it seems probable that he must do so through cheapening or eliminating costs at his end of the chain of distribution. Consumers can cheapen the costs of farm products by cooperative buying and by reducing the expenses of retail and other local distribution. The consumers' aspect of the problems of the distribution of farm products is a conspicuous one at the present time, and problems in distribution that are concerning the consumer rather than the producer may well be included within the service of a division of markets. The foregoing recommendations are repeated for service in behalf of consumers as far as applicable.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER obtained the floor.

Mr. DU PONT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Delaware 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	Crawford	La Follette	Sheppard
Bankhead	Culberson	Lea	Simmons
Bourne	Cullom	Lippitt	Smith, Ga.
Bradley	Cummins	Lodge	Smith, S. C.
Brandegee	Curtis	McCumber	Smoot
Bristow	Dillingham	Martin, Va.	Stephenson
Brown	du Pont	Martine, N. J.	Sutherland
Bryan	Fall	Nelson	Thornton
Burnham	Fletcher	Newlands	Tillman
Burton	Gallinger	Oliver	Townsend
Catron	Gardner	Owen	Warren
Chilton	Gronna	Page	Webb
Clapp	Guggenheim	Perkins	Wetmore
Clark, Wyo.	Kavanaugh	Richardson	Williams
Crane	Kenyon	Root	Works

The PRESIDENT pro tempore. On the call of the roll 60 Senators have answered to their names. A quorum of the Senate is present.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of the Senate omnibus pension bills on the calendar.

Mr. WEBB. Mr. President——

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

Mr. WEBB. For just a moment. I wish to ask the present consideration of a bill.

Mr. McCUMBER. I understand the Senator from Tennessee, who will only be with us a very few days, has a matter in charge which he desires to get before the Senate, and I feel that I ought to yield to him especially for that purpose.

PREVENTION OF DESECRATION OF FLAG.

Mr. WEBB. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 8487) to prevent the desecration of the flag of the United States and to provide punishment therefor. It carries no appropriation. It passed the Senate in the Fifty-eighth and Sixtieth Congresses. I should like to have present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the consideration of a bill, which will be read.

The Secretary read the bill; and there being no objection the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that whoever shall place or cause to be placed any word, figure, mark, picture, or design upon any flag, standard, or ensign of the United States, or who shall expose or cause to be exposed to public view any such flag, standard, or ensign upon which shall have been placed any word figure, mark, picture, or design, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, or design or any advertisement of any nature, or who shall expose to public view, manufacture, sell or expose for sale, give away, or have in possession for sale or to give away, or for use for any purpose, any article of merchandise, or anything for carrying or transporting merchandise, upon which shall have been placed a representation of any such flag, standard, or ensign, to advertise, call attention to, decorate, mark, or distinguish, for the purpose of sale, barter, or trade, the article or thing upon which so placed, or who shall publicly or privately mutilate, deface, defile or defy, trample upon, or cast contempt, either by words or act, upon any such flag, standard, or ensign, shall be fined not more than $500 or be imprisoned not more than six months, or both.

Section 2 provides that the words "flag," "standard," or "ensign" as used in this act shall include any picture or representation thereof, made of or represented on any substance and of any size, evidently purporting to be of said flag, standard, or ensign, and any representation of any such flag, standard, or ensign, or any part thereof, upon which shall be shown the colors, the stars, or the stripes, or any combination thereof, of any such flag, standard, or ensign, which the person seeing the same, without deliberation, may believe to represent such flag, standard, or ensign, or part thereof.

Section 3 provides that this act shall not apply to any newspaper, periodical, book, pamphlet, circular, certificate, diploma, warrant, commission or appointment to office, ornamental picture, badges, or stationery, for use in correspondence, on any of which shall be printed, painted, or placed any such flag, ensign, or standard, disconnected from any advertisement for the purpose of sale, barter, or trade; nor shall it apply to any

act permitted by the Army or Navy regulations of the United States; nor shall it apply to any flag, standard, or ensign belonging to a Grand Army post, a camp of the Legion of Spanish War Veterans, or which is the property or is used in the service of the United States or of any State or Territory, upon which shall be placed the names of battles or the name and number of any organization lawfully entitled to the use thereof; nor shall it apply to any patriotic organization or society; nor shall it apply to any patriotic demonstration or decorations.

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

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I now ask unanimous consent that the Senate proceed to the consideration of the Senate omnibus pension bills upon the Calendar.

Mr. POMERENE. Mr. President——

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

Mr. McCUMBER. I would rather not yield now.

Mr. WARREN. I wish to say——

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

Mr. McCUMBER. I would rather get up the bills first.

The PRESIDENT pro tempore. The Senator from North Dakota declines to yield.

Mr. WARREN. The Senator from North Dakota has asked for unanimous consent, and I wish to be heard.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent. Is there objection to the request?

Mr. WARREN. I wish to give my acquiescence conditionally. I wish to say that if these bills lead to any extended discussion I shall feel it necessary to object to their consideration.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota?

Mr. BRYAN. I desire to ask a question of the Chair. Can not the chairman of the Committee on Pensions indicate the bills by number that we are to take up?

Mr. McCUMBER. I can. They are Order of Business 1063; Order of Business 1064, which contains but 13 names; Order of Business 1109, which contains 15 names; Order of Business 1110; and Order of Business 1150, which contains but 7 names. The bills for which I ask consideration are Senate pension bills which I desire to have disposed of so as to get them over to the other House.

Mr. POMERENE. Mr. President——

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

Mr. McCUMBER. I do.

Mr. POMERENE. I have no desire to enter an objection, but I have two bills for the consideration of which I should like unanimous consent later; one is a local bill and the other a general bill touching the subject of executions, which I think is of very great importance to the public generally. I do not believe there will be any discussion about it.

Mr. McCUMBER. If I yielded to the Senator from Ohio to do so, there are other Senators here who would object to any unanimous-consent agreement. So I can not yield.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota for the consideration of the pension bills referred to by him? The Chair hears none, and the bills will be considered in their order.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8400) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates per month stated:

Charles J. Esty, late of Company H, Tenth Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mary A. Price, widow of Francis H. Price, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Margaret Staton, widow of Reuben Staton, late of Company C, Tenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ernest M. Staton, helpless and dependent child of said Reuben Staton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Staton the name of the said Ernest M. Staton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Margaret Staton.

Mary M. Hoxie, widow of John W. Hoxie, late of Company H, Fourth Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Bates, widow of Caleb F. Bates, late of Company C, Sixty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Andrew Jackson, late of Company B, Third Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Cordelia R. Bragg, widow of William A. Bragg, late of Batteries A and B, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Catherine F. Edsall, former widow of William H. Edsall, late of Company E, Eleventh Regiment Missouri Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Manuel Jay, late of Company A, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary E. Harris, widow of Benjamin E. Harris, late of Company E, Eighty-ninth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha Summerhayes, widow of John W. Summerhayes, late captain Company F, Twentieth Regiment Massachusetts Volunteer Infantry, and major and quartermaster, United States Army, $24 per month in lieu of that she is now receiving.

Hannah M. Dukes, widow of Henry Dukes, late of Company I, Thirty-eighth Regiment Illinois Volunteer Infantry, $12 per month.

Francis E. Stevens, late of Company M, First Regiment Rhode Island Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

William Lawson, late of Company B, Thirteenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Israel Dunlap, late of Company C, Thirteenth Regiment West Virginia Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Hattie A. Vaughan, widow of Arthur P. Vaughan, late second lieutenant Company F, Fifty-second Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Loomis Near, late of Company C, First Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Patie A. Downing, widow of George H. Downing, late second-class fireman United States ship Colorado, United States Navy, $20 per month in lieu of that she is now receiving.

Matilda Kidney, widow of George W. Kidney, late of Company H, Fifteenth Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Thomas Burk, late of Company F, Seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James M. P. Brookins, late of Company C, Thirteenth Regiment Pennsylvania Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Henry Thomas, late of Company E, Thirty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Oliver, late of Company G, Fourth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Chambers, late of Company C, Second Battalion, Pennsylvania Volunteer Infantry, and Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe E. Brittell, former widow of Erwin L. Brittell, late of Company A, Fifth Regiment New York Volunteer Cavalry, $12 per month.

John A. Barnhouse, late of Company F, Ninth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Emalina Chapin, widow of Cyrus K. Chapin, late of Company H, Fourth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Sarah C. Burdick, widow of John Burdick, late of Company C, Twenty-ninth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Roscoe Burdick and Oscar G. Burdick, helpless and dependent children of the said John Burdick, the additional pension herein granted shall cease and determine.

William Spotts, late of Company E, One hundred and thirty-first Regiment Pennsylvania Volunteer Infantry, and Company

K, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Elvira J. Morton, widow of Richard Morton, late of Company K, One hundred and forty-ninth Regiment Ohio National Guard Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth M. Lowe, widow of John W. Lowe, late of Company B, Thirteenth Regiment United States Infantry, and captain Company G, Forty-fourth Regiment United States Colored Volunteer Infantry, $12 per month, such pension to cease upon proof that the soldier is still living.

William D. Martin, late of Company M, Eighth Regiment New York Volunteer Heavy Artillery, and Company G, Tenth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert Schroeder, late of Company F, Fiftieth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Maria C. Faulkner, widow of William M. Faulkner, late of Company K, Eighty-eighth Regiment Ohio Volunteer Infantry, and former widow of John N. Legard, late of Company G, Seventh Regiment Illinois Volunteer Cavalry, $12 per month.

William M. Whittaker, late musician, band, Fifth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hiram F. Stover, late of Company C, Third Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Horace A. Hitchcock, late of Company C, Forty-eighth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary C. Brown, widow of Charles N. Brown, late of Company D, Fifty-ninth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Enoch Medsker, late of Company A, Second Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Hardy H. Hickman, late of Company D, Twenty-fifth Regiment, and Company G, Twenty-eighth Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Abraham Miller, late second lieutenant Company G, One hundred and fifty-fifth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Martha J. Curry, former widow of Charles W. Wilcox, late of Company B, Ninety-seventh Regiment Illinois Volunteer Infantry, $12 per month.

Adam Ross, late of Company D, One hundred and forty-ninth Regiment Ohio National Guard Infantry, $21 per month.

William White, late of Twenty-sixth Independent Battery, Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Louisa J. Jackson, widow of Silas N. Jackson, late of Company H, Eleventh Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Fisher, widow of Samuel C. Fisher, late captain Company H, One hundred and sixteenth Regiment Indiana Volunteer Infantry, $12 per month.

Solomon Riddell, late of Company H, Ninth Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Bailey, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Philander B. Sargent, late of Company F, Twelfth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William L. McCormick, late first lieutenant Company E, One hundred and thirty-ninth Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Ivory Phillips, late of Company F, Twenty-fifth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ann E. Newport, widow of Edward C. Newport, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Catharine T. Williams, widow of George M. Williams, late first lieutenant Company D, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Martha E. S. Blodgett, widow of Martin Blodgett, late of Company C, Thirty-seventh Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Benjamin F. Jay, late of Company A, Forty-fifth Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary J. Thomas, widow of George S. Thomas, late of Company E, Fifty-second Regiment Ohio Volunteer Infantry, $12 per month.

Michael Kearns, late of Company I, Twenty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin Wentworth, late of the Fifth Battery, First Battalion Maine Volunteer Light Artillery, $12 per month.

George W. Doan, late of Company H, Twenty-fourth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Nathaniel J. Smith, late of Company L, Second Regiment United States Cavalry, $50 per month in lieu of that he is now receiving.

George W. Vincent, late of Company H, Eighteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Martha Benner, widow of George Benner, late of Company E, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, $12 per month.

Edward Hearin, late of Company G, Twentieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Minnie A. Piety, widow of Austin H. Piety, late captain Company G, Seventh Regiment Indiana Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Anna M. Thomas, widow of Edward S. Thomas, late of Company F, Fifth Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen Maher, widow of David Maher, late of Company F, Twenty-sixth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James W. New, late of Company G, Sixth Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

William H. Sumption, late first lieutenant Company E, Eleventh Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Ida E. Carter, widow of Thomas Carter, late of Company A, Seventeenth Regiment Massachusetts Volunteer Infantry, $12 per month.

Lavina G. Clark, widow of Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen Beam, widow of Martin Beam, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, $12 per month.

Judson P. Adams, late of Company F, One hundred and twenty-fourth Regiment New York Volunteer Infantry, $40 per month.

Emily C. Thompson, widow of William P. Thompson, late of Topeka Battery, Second Regiment Kansas Volunteer State Militia, $12 per month.

Emelia Branner, widow of John S. Branner, late of Topeka Battery, Second Regiment Kansas Volunteer State Militia, $12 per month.

Charles Shattuck, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Mary E. Spraberry, widow of Jerry D. Spraberry, late of Company B, Tenth Regiment, and Company G, Second Regiment, Missouri Volunteer Cavalry, $12 per month.

Mr. DU PONT. Mr. President, I move to insert a new paragraph in the bill, as follows:

The name of Anne G. Hawkins, widow of Hamilton S. Hawkins, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

Mr. McCUMBER. I ask the Senator to defer that amendment and to move it upon the next bill, because this bill refers only to the Regular Army.

Mr. DU PONT. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

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

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8399) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates per month stated:

Charles M. Gregory, late of Company C, Thirty-fifth Regiment United States Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Leonard C. Wiswell, late of Company E, Thirty-ninth Regiment United States Volunteer Infantry, War with Spain, $30 per month.

Frank Lytle, late of Troop E, Sixth Regiment United States Cavalry, $12 per month in lieu of that he is now receiving.

Margaret R. Birchfield, widow of James C. Birchfield, late of Company I, First Regiment West Virginia Volunteer Infantry, War with Spain, $12 per month and $2 per month additional on account of each of the minor children of the said James C. Birchfield until they reach the age of 16 years.

Amanda Woodcock, widow of Robert Woodcock, late unassigned recruit, Fourth Regiment Kentucky Volunteer Infantry, War with Mexico, $20 per month in lieu of that she is now receiving.

Luther Thompson, late of the Hospital Corps, United States Army, War with Spain, $12 per month in lieu of that he is now receiving.

Fred F. Harris, late of Battery A, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $24 per month in lieu of that he is now receiving.

August T. Lillich, late of Company G, Thirtieth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Charles F. Miller, late of Company G, Seventeenth Regiment United States Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Hale, late of Company B, First Regiment United States Infantry, War with Mexico, $30 per month in lieu of that he is now receiving.

Frank A. Hill, late of Troop G, First Regiment United States Volunteer Cavalry, War with Spain, $17 per month.

George S. Pauer, late of Company D, Thirteenth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

Gilbert J. Jackson, late of Company H, Fourth Regiment United States Cavalry, $8 per month.

Mr. McCUMBER. On page 3, line 18, after the words "rate of," I move to strike out "$20" and in lieu thereof to insert "$12."

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

The SECRETARY. On page 3, line 18, after the words "rate of," it is proposed to strike out "$20" and to insert "$12," so as to read:

The name of George S. Pauer, late of Company D, Thirteenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. DU PONT. I now offer the amendment which I send to the desk, to be inserted as a new paragraph at the end of the bill.

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

The SECRETARY. On page 3, after line 22, it is proposed to insert:

The name of Anne G. Hawkins, widow of Hamilton S. Hawkins, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. LA FOLLETTE. I move to add to the pending bill the following amendment:

The name of Mary MacArthur, widow of Arthur MacArthur, late lieutenant general, United States Army, and pay her a pension at the rate of $100 per month.

The PRESIDENT pro tempore. Without objection, the amendments made as in Committee of the Whole will be concurred in. The Senator from Wisconsin proposes an amendment, which will be stated.

Mr. McCUMBER. Mr. President, at what amount was the bill which the Senator from Wisconsin offers as an amendment reported by the Senate committee?

Mr. LA FOLLETTE. At $75 per month.

Mr. McCUMBER. Then I move to amend the amendment of the Senator from Wisconsin by striking out "the sum of $100" and inserting in lieu thereof "the sum of $75," that being the amount for which the bill was reported by the Senate committee. I think that will keep it very much more in harmony with the allowances which have been made in other like cases.

Mr. LA FOLLETTE. Mr. President, the House passed this bill at $100, and I find in the House report the following precedents for making an allowance of $100 per month in the case of the widow of a soldier of this rank:

The widow of Gen. Corse was pensioned at $100 per month; the widow of Gen. Custer, the widow of Gen. Kilpatrick, the widow of Gen. Gibbon, the widow of Gen. Gresham, the widow of Gen. Hartranft, the widow of Gen. Mower, the widow of Admiral Schley, the widow of Gen. Shields, the widow of Gen. Wallen, the widow of Gen. Warren, and the widow of Gen. Whitaker.

Mr. President, Gen. MacArthur had a most exceptional record. I do not want to take up a moment's time—and it is suggested to me that it is needless to offer any suggestions in support of my motion—but I do want to see it adopted, because I think it will be an act of gross injustice not to do so. It appears from this report—and I feel that I must put this portion of it into the RECORD—that the widow of Gen. MacArthur, Mary Pinkney MacArthur, is now in destitute circumstances and very poor health. When application for this pension was made a verified statement was filed by the widow showing her circumstances, which, considering the high rank of her late husband and the distinguished services rendered by him to the country, would justify a pension rate far in excess of the rate of the House bill or of the pending amendment. Mrs. MacArthur's statement was as follows:

WASHINGTON, D. C., *January 9, 1913.*

I do herein declare that I have no income of any sort from any source. My only property consists of my household effects and about $1,500, and that my support literally went with the death of my husband, Lieut. Gen. Arthur MacArthur.

I am entirely dependent for support on the charity of my young son, who is a captain in the Army. I was born in Virginia May 22, 1852, and am, therefore, 61 years of age, May, 1913.

MARY PINKNEY MACARTHUR.

On the 13th of January the major of the Medical Staff of the United States Army, John A. Murtagh, made this certificate as to her condition:

Mrs. MacArthur has been a chronic invalid since December, 1910. From that date until September, 1912, she was confined to her bed. Since September she has been able to be up part of each day under favorable conditions of weather and climate.

She has been suffering for years from a state of faulty metabolism, which has resulted in a gradual poisoning of her system, producing a condition of acute neurasthenia, accompanied by nervous disorders of the heart. At her present advanced age and in her completely broken-down condition, the chances of a recovery of health, I regret to say, are very slight.

JOHN A. MURTAGH,
Major, Medical Corps, United States Army.

Arthur MacArthur entered the service in 1862, when he was but two months past 17 years of age. He was commissioned a second lieutenant, and because of his valor, courage, accurate judgment, and mastery of his profession was steadily advanced in rank. At the close of the Civil War he was mustered out as colonel of his regiment, the Twenty-fourth Wisconsin.

He entered the Regular Army in 1866 as a second lieutenant. The same qualities which won for him place and distinction in the volunteer service brought him recognition and promotion in the Army. Every promotion, every commendation received by him came as the result of conspicuously able service. He rose through all the grades until, after more than 47 years of service, he was appointed lieutenant general, the twelfth and last officer in the history of the Army of the United States to attain that rank.

In the Civil War he participated in all the important battles in which his regiment took part. The record of Arthur MacArthur as lieutenant, captain, major, and colonel, as revealed in the reports of the commanding officers in the field, is one not only of glory, of pride to his family, but of honor to his State and to his country. One short paragraph in the committee report upon this bill, which is in no sense an adequate description of the services of Gen. MacArthur at that period, will convey to the Senate an idea of the high esteem in which his services were held by the commanding officers and by the Congress, for he was honored by the conferring of the congressional medal of honor because of heroism. The report says:

Because of his heroism he was awarded the congressional medal of honor, "for coolness and conspicuous bravery in action" in saving the colors of his regiment at a critical moment and planting them on the captured works on the crest of Missionary Ridge, November 25, 1863, while serving as first lieutenant and adjutant, Twenty-fourth Wisconsin Volunteer Infantry. He was awarded the brevet rank of lieutenant colonel March 13, 1865, "for gallant and meritorious services in the Battles of Perryville, Ky., Stone River, Missionary Ridge, and Danbridge, Tenn." He was awarded the brevet rank of colonel March 13, 1865, for "gallant and meritorious services in the Battle of Franklin, Tenn., and the Atlanta campaign." He received numerous honorable mentions in orders and reports.

A list of the battles in which he fought discloses that he was always in the fighting. He participated in the following battles:

October 8, 1862, Battle of Perryville.
December 30, 1862, Battle of Stone River.
November 25, 1863, Battle of Missionary Ridge.
May 9, 1864, Battle of Danbridge.
May 14, 1864, Battle of Resaca.
May 17, 1864, Battle of Calhoun.
May 18, 1864, Battle of Adairsville.

May 25, 1864, Battle of Dallas.
June 16, 1864, Battle of Lost Mountain.
June 27, 1864, Battle of Kenesaw Mountain.
July 4, 1864, Battle of Nicajack Creek.
July 6–10, 1864, battles incident to forcing the crossing of the Chattahoochee River.
July 20, 1864, Battle of Peach Tree Creek.
July 22, 1864, Battle of Atlanta.
September 1, 1864, Battle of Jonesboro.
September 2, 1864, Battle of Lovejoy.
November 29, 1864, Battle of Spring Hill.
November 30, 1864, Battle of Franklin.

In January, 1864, he was promoted to the rank of major and from that time until the close of the war commanded his regiment in all the engagements and battles in which it participated. He was wounded in battle five times. Shot in the right breast and right wrist at Kenesaw Mountain, he refused to leave the field but continued to lead until the close of the engagement. At the Battle of Franklin, after his regiment had been greatly reduced, he led it in a fierce hand-to-hand encounter with the enemy. In this battle he received three severe wounds.

For 20 years after he entered the Regular Army in 1866 he served in the Indian campaigns in the West and Southwest. In the War with Spain he was commissioned a brigadier general of Volunteers and assigned to duty in the Philippines. He participated in the capture of Manila. For services in that battle he was made a major general of Volunteers and for two years he was in command of and successfully and with great ability prosecuted the campaign to suppress the Philippine insurrection.

Every Senator, I assume, is familiar with these latter services of Gen. MacArthur. His whole life was given to hazardous, trying service to our country.

He was a soldier. He was a patriot. History will accord to him high station among those who served in the war to preserve the Union and in the campaigns on the border and in the War with Spain.

Gen. MacArthur was in no sense a hoarder of the things highly prized by those who serve self instead of country.

The inventory of his estate contains no items showing the acquisition of profitable stocks or bonds or property of any kind. All that he had he gave his country. All he received was the salary of his position. This he devoted to the care of his family. A man of great and varied attainments, had he devoted even a part of the years he served the Government to some other vocation his widow would not be compelled to file the statement as to her circumstances which she made to the committee of the House of Representatives.

The amount of pension provided in the report of the Senate committee is, in my opinion, not at all commensurate with the service of this heroic soldier. The House passed a bill granting her a pension of $100 a month. As has been set forth in the report accompanying the bill, there are a number of precedents for the rate asked in that amendment and provided in the House bill. If it was at another time and there was no danger of defeating the bill, I should make an effort to secure a pension for Mrs. MacArthur at a higher rating. As it is the closing hours of a short session, and I feel that she should not be deprived longer of this money, there remains nothing to do but to accept the rate fixed by the House. I trust the Senate will agree to the amendment providing her with the inadequate sum of $100 a month.

Mr. McCUMBER. Inasmuch as this is a House bill and the report from which the Senator from Wisconsin has read is a House report——

Mr. LA FOLLETTE. It is.

Mr. McCUMBER. And inasmuch as the bill was introduced and reported as a separate proposition in the Senate, not having the facts before me at this time, I prefer to withdraw my amendment to the amendment and allow the matter to go to conference, where it can be considered more fully.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] will be agreed to.

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

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 8540) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors. It proposes to pension the following-named persons at the rates per month stated:

Eleanor P. Bigler, widow of Henry W. Bigler, late of Company B, Mormon Battalion, Iowa Volunteers, War with Mexico, $20 per month in lieu of that she is now receiving.

Arthur F. Shepherd, late of Company H, First Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

Margaret B. Sherman, widow of Francis H. Sherman, late lieutenant commander, United States Navy, and commodore, United States Navy, retired, $50 per month in lieu of that she is now receiving.

La Salle Corbell Pickett, widow of George E. Pickett, late captain, Ninth Regiment United States Infantry, War with Mexico, $40 per month in lieu of that she is now receiving.

Petrona B. Freeman, dependent mother of Richard K. Freeman, late of Company B, First Regiment North Carolina Volunteer Infantry, War with Spain, $20 per month in lieu of that she is now receiving.

Emma Z. Gilman, widow of Samuel D. Gilman, late of Company A, First Regiment Idaho Volunteer Infantry, War with Spain, $12 per month.

Mary Bottino, dependent mother of Celestin Bottino, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, $12 per month.

Ellen Barrett, widow of Henry H. Barrett, late of Capt. R. L. Williams's company, Ninth Regiment Oregon Militia Volunteers, Oregon Indian war, $12 per month.

James Tiernan, late of Battery G, Fourth Regiment United States Artillery, and Forty-first Company, United States Coast Artillery, $20 per month in lieu of that he is now receiving.

John Partello, late of Company I, First Regiment United States Infantry, $12 per month.

James W. Ellis, late of Company H, Fifth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

John A. Lennon, late of Company E, Seventh Regiment United States Infantry, War with Spain, $12 per month.

Estelle H. Wholley, widow of John H. Wholley, late major, Second Regiment United States Infantry, $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said John H. Wholley until he reaches the age of 16 years.

Frances P. O'Reilly, widow of Robert M. O'Reilly, late major general and surgeon general, United States Army, $50 per month in lieu of that she is now receiving.

Lewis L. Daniel, late of Company K, Fifth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. On page 2, line 9, I move to strike out the name "La Salle," and to insert in lieu thereof the name "Sallie." That is to correct the Pension Office record.

The amendment was agreed to.

Mr. McCUMBER. On page 2 I move to strike out lines 22 to 25, inclusive, as follows:

The name of Mary Bottino, dependent mother of Celestin Bottino, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SMOOT. I offer the amendment which I send to the desk, to follow line 6, on page 4.

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

The SECRETARY. After line 6, on page 4, it is proposed to insert:

The name of Adolph Lochwitz, late general mounted service, United States Army, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. I also move to add as a new paragraph the following:

The name of Anne A. Yule, mother of Sherman A. Yule, late acting assistant surgeon, United States Army, War with Spain, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

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

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

Mr. GORE. Mr. President——

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

Mr. McCUMBER. I desire to have two other bills passed, and I hope the Senator will allow me to get through with them. If it were merely a question of my own personal inclination I should be very glad to yield to the Senator, but there are other Senators who have appropriation bills in charge who desire me to hurry through.

The bill (S. 8541) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to

pension the following-named persons at the rates per month stated:

Margaret Liddle, widow of Samuel Liddle, late second lieutenant Company E, First Regiment Illinois Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Laura Adam, widow of George Gordon Adam, late of Company H, Ninth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary E. Smith, now Faught, former widow of James L. Smith, late captain Company M, Tenth Regiment Michigan Volunteer Cavalry, $12 per month.

Charles Hatfield, late of Company E, Eleventh Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Emily B. Smith, widow of Jared A. Smith, late brigadier general, United States Army, $30 per month in lieu of that she is now receiving.

Anna D. Pace, widow of Cadwalander C. Pace, late of Company H, Twenty-first Regiment Missouri Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George W. Crosley, late major, Third Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Elizabeth Lucken, widow of Olaus H. Lucken, late second lieutenant, Company G, Fifty-first Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha A. Shute, widow of George M. Shute, late of Company B, Second Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Demmie Inman, widow of Nelson Inman, late of Company I, Twenty-sixth Regiment Indiana Volunteer Infantry, $12 per month.

Charles Miller, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Albert B. Cauby, late of Company H, One hundred and twenty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Young S. Ingram, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Franklin A. Work, late of Company B, Fifty-third Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Annie B. Campbell, widow of John T. Campbell, late captain Company H, Twenty-first Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Drusilla Peters, widow of Joshua G. Peters, late of Battery E, West Virginia Volunteer Light Artillery, $12 per month.

Gertrude Brown, widow of Robert B. Brown, late second lieutenant Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Amos Spangler, late of Company B, One hundred and fourteenth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Josiah D. Hunt, late second lieutenant Company E, Fifth Regiment Rhode Island Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

James P. Burdett, late of Company K, Eleventh Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Benjamin F. Kent, late of Company A, Sixty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James M. Brown, late of Company E, Eleventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John V. G. Price, late of Company D, Twelth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jesse Sheets, late of Company F, One hundred and fifty-first Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

Mark Clark, late of Company A, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James L. Stroup, late of Company D, Eighth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Brazil Van Deusen, late of Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas J. Morris, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Harper, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William T. Saylor, late of Company F, Two hundredth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frances A. Cox, widow of George W. Cox, late captain Company I, Eighth Regiment United States Colored Volunteer Heavy Artillery, and former widow of Thomas S. Sims, late of Company D, Fifteenth Regiment Kentucky Volunteer Infantry, $12 per month.

James W. Ruff, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John D. Thomas, late acting ensign, United States Navy, $30 per month in lieu of that he is now receiving.

Flora Annis, widow of James Annis, late of Company H, Tenth Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sophronia Roberts, widow of Stephen Roberts, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Henry A. Sheaff, late second lieutenant Company E, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Margaret Montgomery, widow of Samuel Montgomery, late captain Company E, Twentieth Regiment Pennsylvania Volunteer Cavalry, $12 per month.

Catharine Thomas, widow of Winston Thomas, late of Company E, Seventh Regiment West Virginia Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henry M. Lavo, late of Company M, Seventeenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John D. Kirkpatrick, late of Company D, Fifty-second Regiment, and Company C, Sixty-ninth Regiment, Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Klise, late of Company M, Seventh Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Francis M. Oldridge, late of Company H, Second Regiment Kentucky Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Sarah A. Winans, widow of George B. Winans, late of Company A, Second Regiment Kansas Volunteer Infantry, and Company A, Seventh Regiment Kansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said George B. Winans until he reaches the age of 16 years.

Charlotte B. Bentley, widow of William H. Bentley, late captain Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John M. Jarvis, late of Company G, Seventy-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Young Dougherty, late of Company E, Second Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William Worthington, late of Company G, Eighty-first Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Wines, late of Companies H and A, Seventy-fifth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Crimson, late of Captain Smith's company, Utah Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James W. Wachob, late first lieutenant Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

David G. S. Gochanaur, late of Company H, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, $24 per month in lieu of that he is now receiving.

Franklin S. Curry, late of Company F, Thirty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Robert C. Carr, late of Company C, Twelfth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Fanny Farley, widow of Joseph P. Farley, late brigadier general, United States Army, $40 per month in lieu of that she is now receiving.

Emily J. Walton, widow of Armstrong Walton, late of Company C, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Josephus Brown, late of Company H, Sixty-third Regiment Ohio Volunteer Infantry, and Company K, First Regiment Ohio Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Barzilla B. Jones, late of Company K, Thirteenth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emma E. Myers, widow of William H. Myers, late of Company K, Thirty-third Regiment, and captain Company E, One hundred and ninety-eighth Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rachel B. Purdy, widow of George H. Purdy, late major Fourth Regiment Indiana Volunteer Cavalry, $24 per month in lieu of that she is now receiving.

Mary K. Munoz, widow of Julian Munoz, late aid-de-camp on staffs of Brig. Gens. Albin Schoepf and Speed S. Fry, $20 per month.

William H. Moore, late of Company G, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lucy L. Norton, widow of Elliott M. Norton, late of Company B, Sixth Regiment Michigan Volunteer Cavalry, and first lieutenant and adjutant, First Regiment Michigan Veteran Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

J. Jay Buck, late of Company A, Thirty-second Regiment Wisconsin Volunteer Infantry, and first lieutenant Company I, One hundred and first Regiment United States Colored Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Lafontaine, widow of Robert Lafontaine, late of Company I, Twelfth Regiment New York Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

George W. Stratton, late of Company B, One hundred and fourth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Allen Meskimen, late of Company I, Fifty-first Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William H. Wheeler, late of Company A, Corps of Engineers, United States Army, and second lieutenant, Nineteenth Regiment United States Infantry, $50 per month in lieu of that he is now receiving.

Jefferson Hurst, late of Company B, One hundred and fifty-third Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

David A. Byers, late of U. S. S. *Glide*, *Gazelle*, and *Great Western*, United States Navy, $30 per month in lieu of that he is now receiving.

John N. Jones, late of Company E, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James H. Ragsdale, late of Company F, Ninety-third Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Maria L. Bishop, widow of John S. Bishop, late of Company A, Nineteenth Regiment Connecticut Volunteer Infantry (Second Heavy Artillery), $20 per month in lieu of that she is now receiving.

Imogene Crissey, widow of Julius Crissey, late of Company B, Fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry A. Kelsey, late of Company F, Twenty-seventh Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary McClure, widow of William M. McClure, late captain

Isaac O. Foote, late of Company K, Fifteenth Regiment Conteer Infantry, $20 per month in lieu of that she is now receiving.

Isaac O. Foote, late of Company K, Fifteenth Regiment Connecticut Volunteer Infantry, and Tenth Band, United States Coast Artillery Corps, $30 per month in lieu of that he is now receiving.

Ellen M. Pember, widow of Joseph S. Pember, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Stephen B. Woodruff, late of Company F, Twentieth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mary E. Beach, widow of John W. Beach, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that she is now receiving.

John McCarthy, late of U. S. S. *Ohio* and *Cambridge*, United States Navy, $30 per month in lieu of that he is now receiving.

Anna Kennedy, widow of Howard F. Kennedy, late of Company K. Thirty-seventh Regiment New York National Guard Infantry, $12 per month.

Iselo Nicely, widow of Zachariah Nicely, late of Company D, Ninth Regiment West Virginia Volunteer Infantry, $12 per month.

Joseph M. Davis, late of Seventh Unassigned Company Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

John M. Mower, late of Company A, First Regiment Maine Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James E. Bacon, late of Company K, Tenth Regiment Massachusetts Volunteer Infantry, and Company I, Second Regiment Massachusetts Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John F. Yarnell, late of Company A, Fifty-third Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Martha E. Tracy, widow of Victor Tracy, late of Company G, First Regiment Maryland Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William O. Steele, late of Company D, Second Regiment United States Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

Michael McDonald, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Johanna R. Busch, widow of August Busch, late of Company A, Sixteenth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Lena Busch, helpless and dependent child of said August Busch, the additional pension herein granted shall cease and determine.

Morton A. Pratt, late second and first lieutenant Company A, Third Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mary R. Kendall, widow of Henry M. Kendall, late of Fifth Battery, Indiana Volunteer Light Artillery, captain Sixth Regiment United States Cavalry, and lieutenant colonel United States Army, retired, $40 per month in lieu of that she is now receiving.

James T. Mather, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Mary F. Nichols, widow of David Nichols, late of Company D, One hundred and thirty-ninth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha J. Strayer, widow of John W. Strayer, late of Company G, Fifty-first Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George W. Brown, late of Smith's independent company, Maryland Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Carrie A. Miller, widow of Benjamin F. Miller, late second lieutenant Company C, Thirty-fifth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Leander Ledford, late of Company F, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Caleb E. Stewart, late of Company G, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert C. Jones, late of Company B, Second Regiment, and Company H, Sixth Regiment, Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Oliver, late of Company G, First Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Daniel Eaton, late of Company H, Third Regiment Maine Volunteer Infantry; Company D, Second Regiment United States Volunteer Sharpshooters; and Company C, First Regiment Maine Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Mary E. Bennett, widow of Jesse F. Bennett, late of Company H, One hundred and eighteenth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Alice I. Simpson, widow of James F. Simpson, late captain Company K, Second Regiment United States Veteran Volunteer Infantry and Third Regiment United States Cavalry, $30 per month in lieu of that she is now receiving.

Asil N. Blanchard, late of Company F, First Regiment United States Volunteer Sharpshooters, $24 per month in lieu of that he is now receiving.

Thomas L. Collins, late of Company H, Twelfth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Louisa M. Buchanan, widow of Charles H. Buchanan, late of Company K, Fourth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Viola L. Buchanan and Nora J. Buchanan, helpless and dependent children of the said Charles H. Buchanan, the additional pension herein granted shall cease and determine.

Otis Crawford, late of Company A, Ninth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah Ann Kelly, widow of Willam Kelly, late of Company I, Ninety-first Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Mary E. Dow, widow of Western W. Dow, late of Company L, Thirty-first Regiment Maine Volunteer Infantry, $24 per month in lieu of that she is now receiving, and in the event of the death of Walter W. Dow, helpless and dependent child of said Western W. Dow, the additional pension herein granted shall cease and determine, and in the event of the death of Mary E. Dow the name of the said Walter W. Dow shall be placed on the pension roll at the rate of $12 per month from and after the date of death of said Mary E. Dow.

Jacob H. Gabbard, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George McPherson, helpless and dependent child of Alexander McPherson, late of Company A, Thirty-fourth Regiment Kentucky Volunteer Infantry, $12 per month.

Mary A. Limbach, widow of Peter Limbach, late of Sixth Battery, Indiana Volunteer Light Artillery, $12 per month.

William C. Jones, late of Company B, Forty-sixth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph Cook, late of Company B, Second Battalion Seventeenth Regiment United States Infantry, $36 per month in lieu of that he is now receiving.

Kate Hoyberger, widow of Martin Hoyberger, late of Company G, Second Regiment United States Artillery, and General Service, United States Army, $20 per month in lieu of that she is now receiving.

Louisa Squires, former widow of Hiram H. Merritt, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, $12 per month.

Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, $24 per month in lieu of that she is now receiving, and in the event of the death of William Young, helpless and dependent child of said David Young, the additional pension herein granted shall cease and determine, and in the event of the death of Emsey O. Young the name of said William Young shall be placed on the pension roll at $12 per month from and after the date of death of said Emsey O. Young.

Elisha L. Ashley, late of Company A, Forty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

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

The bill (S. 8576) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in the Committee of the Whole. It proposes to pension the following-named persons at the rates per month stated:

J. N. Culton, late of Company D, Third Regiment, and first lieutenant Company D, Seventh Regiment, Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Hiram Lay, late of Company B, National Guards East Tennessee, $30 per month in lieu of that he is now receiving.

William L. Brown, late of Company A, First Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Emanuel Sandusky, late of Company C, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, $40 per month in lieu of that he is now receiving.

Harvey Key, late of Company F, Sixth Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

William F. Niederriter, late of Company A, Ninety-eighth Regiment Volunteer Infantry, $12 per month.

Mary J. Swift, widow of Thomas W. Swift, jr., late acting ensign, United States Navy, $20 per month in lieu of that she is now receiving.

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

AGRICULTURE APPROPRIATION BILL.

Mr. OWEN. Mr. President, I wish to ask that the Senate reconsider the votes by which the agricultural appropriation bill (H. R. 28283) was passed for the purpose of considering an item which was omitted. I was absent from the Chamber at the time, and it is necessary, if it is to be reconsidered at all, that it shall be reconsidered now. I think the amendment will be agreed to by unanimous consent.

Mr. WARREN. Mr. President, if the chairman of the committee wishes to recall the bill for correction in the public interest, I feel constrained to yield to him.

The PRESIDENT pro tempore. Without objection, the votes whereby the bill was ordered to be engrossed, read a third time, and passed will be reconsidered. The bill is now before the Senate.

Mr. OWEN. I move that $20,000 be substituted in lieu of $10,000 for the Dry Farming Congress, on page 76, line 18.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 76, line 18, in the committee amendment agreed to at that point, it is proposed to strike out "$10,000" and insert in lieu thereof "$20,000."

Mr. BURNHAM. To that I make no objection.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

The bill was read the third time and passed.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I now move that the Senate proceed to the consideration of the sundry civil appropriation bill.

Mr. POMERENE. Mr. President——

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

Mr. POMERENE. Will the Senator yield to me to ask unanimous consent for the consideration of two bills which I think will involve no debate at all? One of them is a local matter. They will take only a moment.

Mr. WARREN. I should like to accommodate the Senator, if it did not entail yielding to a great many others. If the Senator will kindly defer his request until we can get along with the sundry civil bill, I will try to help him, but I can not yield now. I renew my motion.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider 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, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and that order will be made.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," subhead "Public buildings," on page 26, after line 23, to insert:

Washington, D. C., building for Department of State: The land in the Government reservation between B Street N., Fourteenth Street NW., Fifteenth Street NW. extended, and the line established for the south front of the new National Museum Building, is selected and set apart as the site for a new building for the Department of State, whenever such building shall be authorized.

The amendment was agreed to.

The next amendment was, on page 29, line 7, after the word "building," to strike out "$650,000" and insert "$700,000," so as to read:

Repairs and preservation of public buildings: For repairs and preservation of all completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and for wire screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto; for repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding $100,000 may be used for marine hospitals and quarantine stations,

including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C.: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $700,000.

The amendment was agreed to.

The next amendment was, on page 34, line 6, after the words "officers' quarters," to strike out "$5,000" and insert "$8,000," so as to read:

Marine hospital, Wilmington, N. C.: Medical officers' quarters, $8,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 6, to insert:

Marine hospital, Baltimore, Md.: Surgical dressing room, $2,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 8, to insert:

Marine hospital, Detroit, Mich.: New coal shed, $1,000.

The amendment was agreed to.

Mr. BRANDEGEE. I inquire on what page the Secretary is reading.

The PRESIDENT pro tempore. Page 38.

Mr. BRANDEGEE. I offer an amendment, which I desire to come in on page 37.

The PRESIDENT pro tempore. The Chair will suggest that committee amendments are first being considered on the order of the Senate.

Mr. BRANDEGEE. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury Department," on page 42, line 16, after the word "mints," to strike out "$150,000" and insert "$144,000," so as to read:

Contingent expenses, Independent Treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, for transportation of notes, bonds, and other securities of the United States, for salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section 3649 of the Revised Statutes of the United States, also including examinations of cash accounts at mints, $144,000.

The amendment was agreed to.

The next amendment was, on page 44, line 25, after the word "employed," to strike out "$2,540,000" and insert "$2,600,000," so as to read:

For operating force for public buildings: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, and of sites for public buildings, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lampists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employerd, $2,600,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 51, line 15, after "$126,000," to insert "*Provided*, That hereafter commissioned officers and pharmacists and those employees of the service devoting all their time to field work shall be entitled to hospital relief when taken sick or injured in line of duty," so as to read:

For medical examinations, care of seamen, care and treatment of all other persons entitled to relief, and miscellaneous expenses other than marine hospitals, which are not included under special heads, $126,000: *Provided*, That hereafter commissioned officers and pharmacists and those employees of the service devoting all their time to field work shall be entitled to hospital relief when taken sick or injured in line of duty.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of the quarantine service, on page 52, line 23, after the word "action," to strike out "$155,000" and insert "$164,500," so as to read:

Quarantine system of the Hawaiian Islands, including the leprosy hospital; and the quarantine system of Porto Rico, and including not exceeding $500 for printing on account of the quarantine service at times when the exigencies of that service require immediate action, $164,500.

The amendment was agreed to.

The next amendment was, on page 53, line 2, before the word "trachoma," to strike out "or" and insert "and," and in line 8, after "$200,000," to insert "*Provided*, That the Surgeon General of the Public Health Service may establish, when deemed necessary, temporary dispensaries for the investigation, prevention, and treatment of pellagra and trachoma, the expenditures for same to not exceed $10,000, which is hereby authorized from this appropriation," so as to read:

Prevention of epidemics: To enable the President of the United States, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, and trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $200,000: *Provided*, That the Surgeon General of the Public Health Service may establish, when deemed necessary, temporary dispensaries for the investigation, prevention, and treatment of pellagra and trachoma, the expenditures for same to not exceed $10,000, which is hereby authorized from this appropriation: *Provided*, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress.

The amendment was agreed to.

Mr. FLETCHER. Do I understand that the bill is being read now for committee amendments?

The PRESIDENT pro tempore. The committee amendments are now in order.

Mr. FLETCHER. And other amendments are not in order?

The PRESIDENT pro tempore. They are not.

Mr. FLETCHER. I want to offer an amendment at that point.

The PRESIDENT pro tempore. The Chair will inquire of the Senator whether his is an amendment to a committee amendment?

Mr. FLETCHER. No; I desire to insert a separate provision.

The PRESIDENT pro tempore. The Senator will have an opportunity to offer it after the committee amendments have been disposed of.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Central heating and power plant," on page 56, line 15, after the word "employ," to insert "without reference to civil-service laws and regulations," so as to read:

The Secretary of the Treasury is further authorized and empowered to employ, without reference to the civil-service laws and regulations, on a salary basis in the Office of the Supervising Architect such technical services as may be deemed necessary in connection with the plans, specifications, and construction of the power plant herein provided for and to pay for such services at such price or rates of compensation as he may consider just and reasonable from the appropriation hereinbefore made.

Mr. BRADLEY. I desire to offer an amendment to the amendment of the committee on page 53.

Mr. WARREN. Mr. President, we have already passed that point, but I think the Senator's attention was diverted, and perhaps we should turn back to it. I am willing to do that if the Senator so wishes.

The PRESIDENT pro tempore. Without objection, the vote adopting the amendment will be reconsidered, and the Senator from Kentucky will submit his amendment to the amendment.

Mr. BRADLEY. I move to strike out "ten thousand," in line 10, and insert "twenty-five thousand."

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

The SECRETARY. On page 53, in the committee amendment, in line 10, it is proposed to strike out "ten thousand" and in lieu thereof insert "twenty-five thousand."

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

Mr. LODGE. I suggest that the word "not" be transposed in line 10, so as to read "not to exceed."

The PRESIDENT pro tempore. In the absence of objection, that change will be made.

Mr. WARREN. Mr. President, I desire to say that the Secretary of the Treasury recommends $25,000; so that the amendment of the Senator from Kentucky is within the estimate.

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

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 Appropriations was, on page 56, line 15, after the word "employ," to insert "without reference to the civil-service laws and regulations."

The amendment was agreed to.

The next amendment was, on page 57, after line 3, to insert:

DISTRICT OF COLUMBIA.

For beginning the construction of a modern fireproof hospital building for the treatment of diseases peculiar to women and a lying-in asylum, in accordance with the provisions of the act approved June 10, 1872 (17 Stats., p. 360), the said building to be erected on the site belonging to the United States, to replace the present building of the Columbia Hospital for Women and Lying-in Asylum, to cost not more than $300,000, including heating apparatus, elevators, lighting and ventilating apparatus, and approaches, $100,000, one half to be paid from the Treasury of the United States and the other half from the revenues of the District of Columbia.

Mr. WARREN. On behalf of the committee, I wish to offer an amendment to the amendment.

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

The SECRETARY. It is proposed to strike out all of the committee amendment after "$100,000," in line 15, and in lieu thereof to insert the following:

The construction of said building and the expenditure of the appropriation herein to be under the direction and supervision of the Superintendent of the Capitol Building and Grounds.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Under Smithsonian Institution," on page 60, line 16, after the word "boundaries," to strike out "For acquiring" and insert "Authority is hereby given to acquire"; in line 20, after the words "from Cathedral Avenue to," to strike out "Klingle Road, $107,200, or such portion thereof as may be necessary" and insert "the south line of Macomb Street extended east to its intersection with Klingle Road"; on page 61, line 5, after the words "District of Columbia," to insert "and a sum sufficient to pay the cost of said condemnation proceedings herein authorized is hereby appropriated"; and in line 12, after the name "Martha G. Harney," to strike out "*And provided further*, That in determining the amounts to be assessed against the lots, pieces, or parcels of land in the neighborhood of the land to be condemned for the extension or enlargement of said park, the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land and the benefits and advantages they may severally receive from the extension or enlargement of said park by the adding thereto of said land to be condemned, and shall assess such benefits against said lots, pieces, or parcels of land and against any and all other lots, pieces, or parcels of land the jury may find benefited by the said extension or enlargement of said park, as aforesaid, as the jury may find said lots, pieces, or parcels of land will be benefited: *And provided further*, That as the several assessments authorized to be made are made by the jury they shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable as provided in subchapter 1 of chapter 15 of the Code of Law for the District of Columbia; such assessments, when collected, to be deposited in the Treasury of the United States to the credit of the United States"; so as to make the clause read:

Readjustment of boundaries: Authority is hereby given to acquire by condemnation all the lots, pieces, or parcels of land, other than the one hereinafter excepted, that lie between the present western boundary of the National Zoological Park and Connecticut Avenue, from Cathedral Avenue to the south line of Macomb Street extended east to its intersection with Klingle Road, said land when acquired, together with the included highways, to be added to and become a part of the National Zoological Park. The proceeding for the condemnation of said land shall be instituted by the Secretary of the Treasury under and in accordance with the terms and provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, and a sum sufficient to pay the cost of said condemnation proceedings herein authorized is hereby appropriated: *Provided*, That the tract of land hereinafter described, containing 5,820 square feet, shall be excepted from such condemnation, namely, parcel recorded on the books of the assessor of the District of Columbia as 44, and now assessed in the names of Thomas R. and Martha G. Harney.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 62, line 13, after the word "secretary," to strike out "$3,500" and insert "$5,000," so as to make the clause read:

For salary of secretary, $5,000.

The amendment was agreed to.

The next amendment was, on page 63, line 24, after the words "per day," to strike out "$210,000" and insert "$225,000," so as to make the clause read:

For the payment of all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary, and allowances in lieu of subsistence while away from official headquarters, to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $225,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Quartermaster Corps," on page 67, after line 10, to insert:

Out of the money appropriated by Senate joint resolution 129 (Public Resolution No. 49), providing for transportation for American citizens fleeing from threatened danger in the Republic of Mexico, there shall be paid by the Secretary of War to the Mexican Northwestern Railway Co. the sum of $7,245, in full settlement of the statement rendered to A. W. Ivins and E. E. Bowman, dated August 22, 1912, for the transportation of American refugees from points in Mexico to the American border: *Provided*, That the above payment shall be audited and approved by the Auditor for the War Department.

The amendment was agreed to.

The next amendment was, under the subhead "Under the Chief Signal Officer," on page 68, line 6, after the word "materials," to strike out "$120,000" and insert "$147,000," so as to make the clause read:

National cemeteries: For maintaining and improving national cemeteries, including fuel for superintendents, pay of laborers and other employees, purchase of tools and materials, $147,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 74, line 24, after the word "improvements," to strike out "$100,000" and insert "$125,000, of which sum $75,000 shall be immediately available"; on page 75, line 1, after the word "exceed," to strike out "$4,500" and insert "$15,000"; and in line 3, after the word "exceeding," to strike out "$4,500" and insert "$5,000," so as to make the clause read:

Yellowstone National Park: For maintenance and repair of improvements, $125,000, of which sum $75,000 shall be immediately available, including not to exceed $15,000 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $5,000 for maintenance of the road in the forest reserves leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

The amendment was agreed to.

The next amendment was, on page 75, line 16, after the word "animal-drawn," to strike out "vehicles, $75,000" and insert "and motor-propelled vehicles, $100,000, of which sum $50,000 shall be immediately available," so as to make the clause read:

For widening and improving surface of roads, and for building bridges and culverts, from the belt-line road to the western border; from the Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $100,000, of which sum $50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 75, after line 18, to insert:

Crater Lake National Park, Oreg.: For continuation of the construction of a wagon road and the necessary bridges through Crater Lake National Park, Oreg., together with a system of tanks and water-supply pipes to provide for sprinkling, in accordance with the recommendations contained in the report of the War Department published as House Document No. 328, Sixty-second Congress, second session, to be expended under the direction of the Secretary of War, $150,000, to be available until expended.

The amendment was agreed to.

The next amendment was, on page 78, after line 14, to strike out:

For preparation of plans looking to the improvement of Meridian Hill Park, $2,500.

The amendment was agreed to.

The next amendment was, on page 78, after line 16, to insert:

For the improvement of Meridian Hill Park and for its care and maintenance, $25,000.

The amendment was agreed to.

The next amendment was, on page 83, line 6, after the words "to be," to strike out "available until expended" and insert "immediately available," so as to make the clause read:

Lincoln Memorial Commission: For commencing work for the erection of the Lincoln Memorial in accordance with the plans and design and on the location approved by Congress and for each and every purpose connected therewith, to be immediately available, $300,000.

The amendment was agreed to.

The next amendment was, on page 89, line 7, after the word "maps," to strike out "$5,000" and insert "$7,500," so as to make the clause read:

Maps, War Department: For publication of engineer maps for use of the War Department, inclusive of war maps, $7,500.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 101, after line 15, to strike out:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 104, line 11, after the word "available," to strike out "$12,550" and insert "$25,000," so as to make the clause read:

For special repairs to the Patent Office Building, including new sewers, toilet rooms, and lavatories, or so much thereof as may be necessary, to be immediately available, $25,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 12, to insert:

For renewing the electric-light wiring and replacing windows in the entire Pension Office Building, to be immediately available, $18,000.

The amendment was agreed to.

The next amendment was, on page 104, after line 15, to insert:

For labor, material, apparatus, hydrants or fire plugs, and other fire-protection appliances, including extending 8-inch water main from Fourth to Fifth Street through the park on the south side of the Pension Office Building, to be immediately available, $21,500.

The amendment was agreed to.

The next amendment was, on page 106, line 11, after "$83,500," to insert "to be immediately available," so as to make the clause read:

For resurfacing the terraces of the Capitol with waterproofing material and all work and materials incident thereto, $83,500, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 106, line 13, after "$16,970," to insert "to be immediately available," so as to make the clause read:

For painting the Dome and central portion of the Capitol, $16,970, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 106, after line 13, to strike out:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 18, to insert:

Enlarging the Capitol Grounds: To complete the acquisition of squares Nos. 632, 680, 681, 682, 683, 684, 721, 722, 723, and all that part of square No. 633 lying east of Arthur Place, provided for by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," the sum necessary, in addition to sums already appropriated to pay the amounts awarded by court commission under the statute, $2,823,972.35.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 108, line 16, after the word "including," to insert "not exceeding $15,000 for clerical service in bringing up and making current the work of the General Land Office, and," so as to read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding $15,000 for clerical services in bringing up and making current the work of the General Land Office, and not exceeding $25,000 additional for expenses of hearings held by order of the Commissioner of the General Land Office, to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, $500,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 17, to insert:

Protection of national monuments: For the preservation, development, administration, and protection of the national monuments, to be expended under the direction of the Secretary of the Interior: *Provided*, That the salaries paid the custodians hereunder shall not exceed $900 each per annum, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 114, line 6, after "$350,000," to insert "one-half to be immediately available," so as to make the clause read:

For topographic surveys in various portions of the United States, $350,000, one-half to be immediately available.

The amendment was agreed to.

The next amendment was, on page 114, line 8, after "$300,000," to insert "one-half to be immediately available," so as to make the clause read:

For geologic surveys in the various portions of the United States, $300,000, one-half to be immediately available.

The amendment was agreed to.

The next amendment was, on page 114, line 10, after the word "Alaska," to strike out "$90,000" and insert "$100,000," so as to make the clause read:

For continuation of the investigation of the mineral resources of Alaska, $100,000 to be immediately available.

The amendment was agreed to.

The next amendment was, on page 114, line 15, after the word "salts," to strike out "$40,000" and insert "$45,000," so as to make the clause read:

For chemical and physical researches relating to the geology of the United States, including researches with a view of determining geological conditions favorable to the presence of deposits of potash salts, $45,000.

The amendment was agreed to.

The next amendment was, on page 114, line 24, after "$150,000," to insert "one-half to be immediately available," so as to make the clause read:

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000, one-half to be immediately available.

The amendment was agreed to.

Mr. BORAH. Mr. President, I desire, at the proper time—I do not know whether this is the proper time or not, under the rule under which we are proceeding—to offer an amendment in line 24, page 114.

Mr. WARREN. Is it to a committee amendment, in italics?

Mr. BORAH. No; it is not. That is, I take it the $150,000 there is not a committee amendment.

The PRESIDENT pro tempore. It is not.

Mr. WARREN. I do not know what the Senator alludes to. If it is a Senate amendment, now is the time to fix it. If not, and the Senator wishes to amend the House provision, he should wait until we complete the Senate amendments.

Mr. BORAH. I understand that the figures there are the House provision—$150,000.

The PRESIDENT pro tempore. The Senator is correct about that.

Mr. BORAH. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 115, line 8, after "$75,000," to insert "to be immediately available," so as to make the clause read:

For continuation of the topographic surveys of the public lands that have been or may hereafter be designated as national forests, $75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 115, line 9, after the words "United States Geological Survey," to strike out "$1,295,520" and insert "$1,310,520," so as to make the clause read:

In all, for the United States Geological Survey, $1,310,520.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 116, line 12, after the word "waste," to strike out "$100,000" and insert "$200,000," so as to make the clause read:

For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, $200,000: *Provided*, That no part thereof may be used for investigation in behalf of any private party, nor shall any part thereof be used for work authorized or required by law to be done by any other branch of the public service.

The amendment was agreed to.

The next amendment was, on page 117, line 8, after the words "Bureau of Mines," to strike out "$662,000" and insert "$762,000," so as to make the clause read:

In all, for the Bureau of Mines, $762,000.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of the Interior," on page 117, line 19, after the word "expenses," to strike out "$57,000" and insert "$60,000," so as to make the clause read:

Care and custody of the insane of Alaska: For the care and custody of persons legally adjudged insane in the District of Alaska, including transportation and other expenses, $60,000.

The amendment was agreed to.

The next amendment was, on page 118, after line 15, to insert:

All expenditures of money appropriated herein for school purposes in Alaska for schools other than those for the education of white children under the jurisdiction of the governor thereof, shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 119, after line 3, to insert:

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000.

The amendment was agreed to.

The next amendment was, on page 119, after line 23, to insert:

Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs, to care for storm waters from the mountains on the Hot Springs Reservation, $237,840, to be expended in accordance with the plans and specifications set forth in the communication of the Secretary of the Interior dated January 20, 1913.

The amendment was agreed to.

The next amendment was, on page 120, line 13, after the words "telephone lines," to strike out "$75,000" and insert "$150,000," so as to make the clause read:

Glacier National Park, Mont.: For administration and improvement, construction and repair of roads, bridges, and telephone lines, $150,000.

Mr. McCUMBER. I ask to amend the item of $150,000 by making it read "$188,000," to correspond with the report from the department and the estimate made. I hope the chairman of the committee will accept the amendment.

Mr. WARREN. One moment, Mr. President. If that is the estimate, of course the chairman will accept the amendment.

Mr. McCUMBER. That is the estimate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In line 13, page 120, it is proposed to strike out "$150,000" and insert in lieu thereof "$188,000."

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 Appropriations was, on page 120, line 16, after the word "roads," to insert "*Provided, however*, That hereafter in the administration of the Yosemite National Park and in the expenditure of the appropriations herein and hereafter made for the administration and improvement thereof, the provisions of the act of June 4, 1906 (34 Stats., p. 207), relative to concessions in Yellowstone National Park, and the act of March 2, 1907 (34 Stats., p. 1219), amendatory thereof, are hereby extended and made applicable to the Yosemite National Park, and any part of section 2 of the act of October 1, 1890, concerning the Yosemite National Park, in conflict herewith, is hereby repealed," and on page 121, line 4, after the word "repealed," to strike out "$100,000" and insert "$150,000," so as to make the clause read:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads: *Provided, however*, That hereafter in the administration of the Yosemite National Park and in the expenditure of the appropriations herein and hereafter made for the administration and improvement thereof, the provisions of the act of June 4, 1906 (34 Stats., p. 207), relative to concessions in Yellowstone National Park, and the act of March 2, 1907 (34 Stats., p. 1219), amendatory thereof, are hereby extended and made applicable to the Yosemite National Park, and any part of section 2 of the act of October 1, 1890, concerning the Yosemite National Park, in conflict herewith, is hereby repealed, $150,000.

The amendment was agreed to.

The next amendment was, on page 121, line 15, after the word "roads," to strike out "$13,400" and insert "$63,400," so as to make the clause read:

Mount Rainier National Park, Wash.: For protection and improvement, construction of bridges, fences, and trails, and improvement of roads, $63,400.

Mr. JONES. Mr. President, the estimate there is $150,000. If the chairman does not object, I should like to offer an amendment to make the item carry that amount instead of the one that appears in the bill.

Mr. WARREN. Mr. President, in the case of those estimates on the parks we felt it necessary in committee to cut all of them. They are all below the estimates. It was a very serious matter a year ago to get what we did get, far below what we have put them at this year. It was the judgment of the committee that we had put in the bill about as much as the country could afford to spend this year, or as much as we could succeed in retaining. Of course I can not resist the offering of this amendment within the estimate. The Senate must say whether or not it wishes to increase the amount.

Mr. JONES. In view of the raising of the other amount to the estimate I offer that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed, on page 121, line 15, to strike out "$63,400," and insert in lieu thereof "$150,000."

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 Appropriations was, on page 121, after line 15, to insert:

For a survey for the extension of the present road from its present terminus eastward to the eastern boundary line of the forest reserve surrounding the Mount Rainier National Park, and for the survey of the necessary trails in said park, $10,000.

Mr. JONES. I desire to offer an amendment to the amendment.

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

The SECRETARY. In the committee amendment it is proposed to strike out the words "its present terminus" and insert "a point at or above Longmire Springs."

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 Appropriations was, on page 121, line 26, after the word "park," to strike out "$10,000" and insert "$16,000," so as to make the clause read:

Mesa Verde National Park, Colo.: For protection and improvement, including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $16,000.

The amendment was agreed to.

The next amendment was, on page 122, line 3, after the word "roads," to strike out "$3,000" and insert "$7,540," so as to make the clause read:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $7,540.

The amendment was agreed to.

The next amendment was, on page 122, after line 3, to insert:

Wind Cave National Park, S. Dak.: For improvement and protection, $2,500.

The amendment was agreed to.

The next amendment was, on page 122, after line 5, to strike out:

Platt National Park, Okla.: Pursuant to the authority conveyed in section 64 of the act approved July 1, 1902 (Stat. L., vol. 32, p. 636), all of the land comprising the Platt National Park in the State of Oklahoma is transferred and title thereto vested in the State of Oklahoma.

The amendment was agreed to.

The next amendment was, under the subhead "Government Hospital for the Insane," on page 123, after line 10, to insert:

For provision for criminal insane, $30,454.

The amendment was agreed to.

The next amendment was, on page 123, line 13, after the word "piggeries," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For barns and piggeries, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Howard University," on page 124, line 7, after the word "instruction," to strike out "$60,000" and insert "$65,000," so as to make the clause read:

For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, and for ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $65,000.

The amendment was agreed to.

The next amendment was, on page 124, line 24, after the words "In all," to strike out "$96,000" and insert "$101,000," so as to make the clause read:

In all, $101,000.

The next amendment was, under the head of "Under the Department of Justice," subhead "Public buildings," on page 127, line 5, after the word "site," to insert "to be immediately available," so as to make the clause read:

National Training School for Boys: For acquisition by purchase or condemnation of additional land adjoining the present site, to be immediately available, $41,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 127, line 22, after the words "General Appraisers," to strike out "$3,000" and insert "$5,000," so as to make the clause read:

For traveling expenses, fees, and mileage allowance of witnesses before the Board of United States General Appraisers, $5,000.

The amendment was agreed to.

The next amendment was, on page 128, line 19, after the words "Attorney General," to strike out "$450,000" and insert "$500,000," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $10,000 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $500,000.

The amendment was agreed to.

The next amendment was, on page 129, line 16, after the word "exceeding," to strike out "$10,000" and insert "$15,000," so as to read:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for salaries of necessary employees at the seat of government, $300,000.

The amendment was agreed to.

The next amendment was, under the head of "Judicial" subhead "United States Courts," on page 133, after line 11, to insert:

The salaries of the United States district attorney and the United States marshal for the western district of Arkansas shall hereafter be $4,000 per annum each.

Mr. BRANDEGEE. I ask the attention of the Senator from Arkansas to this item increasing the salaries of the district attorney and the United States marshal in Arkansas. I shall not make any criticism beyond this. I know nothing about the facts, but I think those matters should go to the Judiciary Committee. That is all I care to say.

Mr. CLARKE of Arkansas. The Senator would not think that this should go there after a simple statement is made about it. The State of Arkansas is divided into two judicial districts known as the eastern and western districts. There is the Indian territory, part of the western district, together with 26 counties of the State, and the business in that district is quite heavy. It arises most particularly near the Indian territory, at the end of the district.

There are 46 counties in the eastern district. The salary of the district attorney and the marshal in the eastern district is $4,000. By reason of additional business at the Indian territory end of the western district the salary was fixed at $5,000 for each of those officers. The purpose of the amendment is to equalize the salaries as between the two districts of the State.

Mr. BRANDEGEE. I did not criticize the merits of the proposition at all.

Mr. CLARKE of Arkansas. There is about to be another appointment to those offices and it was for the purpose of equalizing them, and this was the first opportunity that seemed to offer.

Mr. BRANDEGEE. My point is that such matter relating to attorneys and marshals are usually referred to the Committee on the Judiciary, and I think there ought to be some uniformity about it.

Mr. CLARKE of Arkansas. I rather think that consideration should be given to the merits rather than a mere matter of detail.

Mr. BRANDEGEE. It usually keeps track of these salaries.

Mr. CLARKE of Arkansas. I think the same results would have followed if it had gone before the committee. I have every reason to believe so.

Mr. WARREN. I wish to say, and I ask the attention of the Senator from Connecticut, that the Committee on Appropriations is only too glad to have these matters go to other committees so far as that can be done. The only reason why the committee consented to this going in was that it was at so late an hour that it seemed impossible for it to pass the House and Senate if it went to any other committee.

It is a reduction of $2,000 a year. It occurs at a time when we assume there will soon be new appointments. For those reasons the committee allowed it to go in the bill.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of Commerce and Labor," subhead "Lighthouse Service," in the item of appropriation for general expenses, Lighthouse Service, on page 144, line 1, after the word "depots," to insert: "*Provided*, That hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special work," so as to read:

The rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence under rules prescribed by the Secretary of Commerce and Labor not to exceed $4 per day, and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots: *Provided*, That hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special work, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,750,000.

The amendment was agreed to.

The next amendment was, on page 144, after line 7, to insert:

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service, the same shall be appraised and sold, either by sealed proposals for the purchase of the same, or by public auction, after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interest may require, the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 150, line 21, after the word "Commisioner," to strike out "$5,000" and insert "$6,000," so as to read:

Office of commissioner: Commissioner, $6,000.

Mr. HITCHCOCK. I should like to ask why that increase is recommended.

Mr. WARREN. There are four or five places in the bill where—on a point of order in the House—the salaries were greatly reduced. This simply restores the salaries that have been enjoyed for a number of years; one, for instance, Dr. Melvin, is the head of the Bureau of Animal Industry. When that bureau was established it was small and the salary was, I think, $3,000. It was later increased to $5,500 and ran that way for some years. On a point of order in the House, it was put back to $3,000. We reinstated that one. One is the Commissioner of Fisheries, and another is the secretary of the Interstate Commerce Commission. The items were in the House bill—put in there by the committee—and on the point of order of a single Member they went out. Of course, that point of order would not rest on this side, but in the House they have to turn back to the organic statute that established the salary.

Mr. HITCHCOCK. What is the present salary of the Fish Commissioner?

Mr. WARREN. Six thousand dollars.

Mr. HITCHCOCK. Is that the salary of similar heads of other bureaus?

Mr. WARREN. Yes; as to quite a number of them. Others are not so high and, perhaps, one or two are higher.

Mr. HITCHCOCK. I think there are none higher. My impression is that the salary of most of them is $5,000. I do not see any reason why this salary should be made $6,000.

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

The amendment was agreed to.

The next amendment was, under the subhead Bureau of Fisheries, in line 22, after "$3,500," to strike out "chief clerk, $2,400," and insert "assistant in charge of office, to be appointed by the Secretary of Commerce and Labor, $2,500"; and on page 151, line 5, after the words "in all," to strike out "$43,980" and insert "$45,080," so as to make the clause read:

Deputy commissioner, $3,500; assistant in charge of office, to be appointed by the Secretary of Commerce and Labor, $2,500; accountant, $2,100; librarian, $1,500; clerks—1 of class 4, 3 of class 3, 1 to commissioner $1,600, 1 of class 1, 1 $1,000, 10 at $900 each; engineer, $1,080; 3 firemen, at $720 each; 2 watchmen, at $720 each; 5 janitors and messengers, at $720 each; janitress, $480; messenger boy, $360; 4 charwomen, at $240 each; in all, $45,080.

The amendment was agreed to.

The next amendment was, on page 156, line 16, after "$2,700" to insert "fish pathologist, $2,500, to be appointed by the Secretary of Commerce and Labor"; and in line 19, after the words "in all," to strike out "$14,000" and insert "$16,500," so as to make the clause read:

Division of inquiry respecting food fishes: Assistant in charge, $2,700; fish pathologist, $2,500, to be appointed by the Secretary of Commerce and Labor; assistants—1 $2,500, 1 $1,600; 2 at $1,200 each; 2 at $900 each; clerks—1 of class 1, 2 at $900 each; in all, $16,500.

The amendment was agreed to.

The next amendment was, on page 157, line 22, after "$900," to strike out "two agents and caretakers, at $2,000 each," and insert "agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; two assistant agents, fur-seal fisheries, at $2,190 each; naturalist, fur-seal fisheries, $3,000."

Mr. HITCHCOCK. This seems to me an utterly inexcusable increase on an amendment to the bill as it passed the House. At the last session of Congress we enacted a law for the purpose of carrying into effect the treaties with several other countries relating to seal fisheries, and in that law it was provided that for the next five years no seals were to be killed except a few required for the maintenance of the natives. The House taking this into account dropped from the bill an appropriation for several assistant agents and saved something like $12,000.

The language of the former bill, however, has been restored by the committee, and unless there is some good reason offered I shall ask the Senate to strike out that part of it which provides for an agent at $3,650, an assistant agent at $2,920, and two assistant agents in the fur-seal fisheries at $2,190, as now there is no possible use for these agents and no justification for employing them if during the next five years this killing is to be abandoned.

Mr. WARREN. Mr. President, the action of the committee has been to restore the current law in the bill. It was done on the representation of the officers of the Government and the commission having the matters in charge. It was also presented very strongly to the committee by Members of the Senate, who take an interest in that industry, notably the Senator from Indiana [Mr. KERN]. I have a telegram here from——

Mr. HITCHCOCK. I should like to interrupt the Senator there. As far as the Senator from Indiana is concerned, his contention was for the retention of a naturalist. I would be willing to concede that there might be some excuse for retaining a naturalist on the island for the purpose of continuing the study of the habits of the seals. But that does not go, and Senator KERN does not desire it to go, to a desire to continue these agents and assistant agents, who are merely sinecures up there at the expense of the Government. I will say to the Senator that I have not any objection to the naturalist.

Mr. WARREN. I did not allude especially to the private views of Senators, and I presume the Senator does not, and that he is giving us his own ideas. I should like to have a telegram read from David Starr Jordan. That was one of the documents before the committee.

The Secretary read as follows:

PALO ALTO, CAL., *February 22, 1913.*

Hon. FRANCIS E. WARREN,
Senate, Washington, D. C.

Fifth recommendation of Rothermel committee report and attempt to cut from appropriation bills Government agents, seal islands, vicious efforts of pelagic sealers to produce anarchy on islands. Three hundred dependent natives, seal rookeries, fox and reindeer herds, eighty to two hundred thousand dollars' worth of food and skins, all demand attention of Government representatives.

DAVID STARR JORDAN.

Mr. WARREN. I should like to have a portion of the letter of the Fish Commissioner which refers to this particular subject read. I wish to say to the Senator from Nebraska that the evidence before the committee seemed to be sufficient to justify it in restoring the current law and letting it go to conference; and then if there is better information on the House side than we have here, it can be adjusted. I would ask to have the first part of the letter read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, February 18, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

DEAR SENATOR: There are several matters relating to the Division of Alaska Fisheries in the sundry civil bill as reported by the Committee on Appropriations of the House to which I desire to call the attention of your committee.

1. On page 152, line 16, provision is made for "two agents and caretakers, at $2,000 each," in lieu of the present force, which consists of "one agent, at $3,650; one assistant agent, at $2,920; and two assistant agents, at $2,190 each."

It is not possible to administer properly the many and important duties connected with the fur-seal service with fewer employees than now provided. During the 40 years when the sealing business was conducted on the islands by a lessee it was always regarded as necessary to have upon the islands four Government agents, whose chief duty was to see that the law and the regulations regarding the killing of seals were observed by the lessee, and to see that law and order were maintained on the islands. All matters pertaining to the actual conduct of the sealing business, the keeping of stores for the natives, furnishing food and clothing to the natives, the purchase and transportation of supplies to the islands, and the shipment of skins from the islands were attended to by agents of the lessee.

Since the leasing system has been abandoned all these duties, previously requiring the services of 11 men on an average, are now performed by 4 Government agents. That all these duties can be performed satisfactorily by 2 men is not possible.

2. When the Government took over all matters pertaining to the seal islands three years ago, Congress provided a naturalist for the fur-seal service at a salary of $3,000. The bill as reported out by the House Committee on Appropriations omits my estimate for that position.

In the opinion of all specialists who have made a study of the fur-seal and blue-fox problems, these are now chiefly biological problems, requiring a man trained in biological methods and animal breeding. It is earnestly hoped that your committee may see proper to restore this item. A special memorandum setting forth more fully the duties of the naturalist is also submitted.

Mr. HITCHCOCK. Mr. President, the advice which comes from this gentleman comes from the same men who earnestly advise Congress to permit the killing of the seals to continue up there, as it has continued for a number of years to the destruction of the herd. These same gentlemen now desire that these agents who were formerly employed during the wholesale killing of seals upon those islands shall continue in the Government service, although the only killing to be done will be by a few resident natives on the island.

It may be conceded that a Government agent on each island is necessary to look after the Government's interests there; he is necessary to see that there is no incessant killing by the natives, but it is absurd to say that the agents formerly needed there when killing was active, when a large commercial business was carried on, are still necessary to supervise the natives.

The fact is that the House committee took testimony on that subject; the fact is that the Rothermel committee, which investigated carefully the seal-fisheries question during a period of many months, made a deliberate recommendation that these places be done away with; the fact is, that, so far as the protection of our interests up there is concerned, the Revenue-Cutter Service looks after that, and these agents and assistant agents are of no sort of use. We have abundant means of looking after the small interests which remain in the persons of the two agents provided for in the bill as it came from the other House. If it is desired to take the recommendation of these gentlemen in the Fish Commission and continue as sinecures up there the men who formerly had active work, well and good; but my judgment is that this advice is not in the interest of the public service, but is simply for the purpose of continuing a few men in the service who have grown accustomed to drawing their salaries.

Mr. President, I move to strike from the amendment, beginning in line 22 with the word "agent," at the end of the line, down to and including the word "each," in line 25.

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

Mr. HITCHCOCK. I move to amend the committee amendment by striking out those words.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 157 of the committee amendment, beginning in line 22, it is proposed to strike out the following words:

Agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, fur-seal fisheries, at $2,190 each.

Mr. HITCHCOCK. Mr. President, that will save $8,760, and will still leave open the appointment of two agents and caretakers as well as the naturalists at $3,000. I think that is abundant for the good of the service.

Mr. NELSON. Mr. President, I desire to say that I entirely concur in the views expressed by the Senator from Nebraska [Mr. HITCHCOCK]. There is no occasion for employing those men; there is nothing for them to do. We have suspended all killing there for five years, and there is nobody to take care of except a few of the mixed-blood natives there—the Aleuts on the island. In fact, one or two caretakers would be a great abundance. There is no occasion for employing any of these scientists and naturalists or these other agents. The places are purely sinecures and they ought to be abolished.

Mr. SHIVELY. Mr. President, the legislation of last summer creating the five-year closed season against commercial killing of seals renders these provisions of the bill unnecessary. There can exist no occasion to retain in full the present force on the Pribilof Islands. There is to be no seal killing except in limited number required as food for the natives. The proposed amendment should be adopted.

The PRESIDENT pro tempore. The Senator from Nebraska moves to disagree to a portion of the amendment which the Secretary has stated.

Mr. WARREN. I should like to have the amendment again stated, as there are certain factors then to be considered.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 157, beginning in line 22, it is proposed to disagree to so much of the committee amendment as reads:

Agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; two assistant agents, fur-seal fisheries, at $2,190 each.

Mr. WARREN. Does the Senator intend in that way to leave in or strike out anything else but the caretakers, as the House had provided?

Mr. HITCHCOCK. They should be left in. I suppose the Senator being in charge of the bill, will look after that.

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

The amendment to the amendment was agreed to.

Mr. WARREN. Unless the Senator from Nebraska proposes to move it, I think I shall move to disagree to the portion of the Senate committee amendment which cuts out the two men from the House bill.

Mr. HITCHCOCK. I think that would be proper, Mr. President.

The PRESIDENT pro tempore. The amendment to which the Senator from Wyoming refers will be stated.

The SECRETARY. On page 157, line 22, after the sum "$900," the committee propose to strike out "two agents and caretakers, at $2,000 each."

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

The amendment was rejected.

Mr. WARREN. Now, Mr. President, at this point I ask unanimous consent that the totals may be corrected by the Secretary after the bill shall have been concluded.

The PRESIDENT pro tempore. In the absence of objection, that order will be made.

Mr. WARREN. Mr. President, the amendment not acted upon is the insertion of a provision for a naturalist, at $3,000?

The PRESIDENT pro tempore. The amendment referred to by the Senator from Wyoming will be stated.

The SECRETARY. On page 157, line 5, it is proposed to insert:

Naturalist, fur-seal fisheries, $3,000.

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 Appropriations was, on page 158, line 9, after the words "in all," to strike out "$33,380" and insert "$43,330," so as to read:

Division of Alaska Fisheries: Chief of division, $3,500; assistant, $1,800; clerks—1 of class 2; 1 of class 1; 1 $900; agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, fur-seal fisheries, at $2,190 each; naturalist, fur-seal fisheries, $3,000; janitor service, fur-seal fisheries, $480; 2 physicians, Pribilof Islands, at $1,500 each; 2 school-teachers, Pribilof Islands, at $1,200 each; storekeeper, Pribilof Islands, $1,800; for the following to be appointed by the Secretary of Commerce and Labor—agent, Alaska salmon fisheries, $2,500; inspector, Alaska salmon fisheries, $1,800; assistant agent, Alaska salmon fisheries, $2,000; assistant agent, Alaska salmon fisheries, $1,800; warden, Alaska service, $1,200; 4 deputy wardens, Alaska service, $900 each; in all, $43,330.

The amendment was agreed to.

The next amendment was, on page 160, line 20, after the word "therewith," to strike out "$75,000" and insert "$100,000," so as to read:

Alaska fur-seal fisheries protection and support: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, traveling expenses and subsistence for caretakers while on said islands, and for all other expenses necessary to carry out the provisions of the act approved August 24, 1912, entitled "An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911," and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $100,000.

The amendment was agreed to.

The next amendment was, on page 160, after line 23, to insert:

For overhauling and making necessary repairs to the steamer *Albatross*, including new work where necessary, and equipment, $40,000.

The amendment was agreed to.

The next amendment was, on page 161, after line 9, to insert:

For the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor, $25,000.

The amendment was agreed to.

The next amendment was, on page 161, after line 13, to insert:

For the establishment of a fish-cultural station, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point in the State of Rhode Island, to be selected by the Secretary of Commerce and Labor, $25,000: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of Rhode Island, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Commerce and Labor—Immigration stations," on page 163, after line 2, to insert:

Immigration station, Galveston, Tex.: The Secretary of War is hereby authorized to use for replacing and repairing the electric light and telephone cables and the water main between the city of Galveston, Tex., and the immigration station on Pelican Spit, the unexpended balances of the appropriations for construction of water main to supply water to the immigration station at Galveston, Tex., and for locating and correcting leak in said water main; and said unexpended balances are hereby made available for said purposes, and shall remain available for said purposes, and shall remain available until otherwise provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Immigration Service," in the item of appropriation for miscellaneous expenses, Division of Naturalization, on page 165, line 20, after the word "page," to strike out "eight hundred and ninety-six" and insert "six hundred," so as to read:

For the purpose of carrying into effect section 13 of the act of June 29, 1906 (34 Stats., 600), as amended by the act approved June 25, 1910, and that the expenditures from this appropriation shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe, $225,000.

The amendment was agreed to.

The next amendment was, on page 166, after line 8, to insert:

UNDER THE DEPARTMENT OF STATE.

For expenses of the Fourth International Congress on School Hygiene to be held in Buffalo, N. Y., August 25 to 30, 1913, $30,000.

The amendment was agreed to.

The next amendment was, on page 166, after line 13, to insert:

International Joint Commission, United States and Great Britain: For salaries and expenses, including salaries of commissioners, salaries of clerks, and other employees appointed by the commissioners on the part of the United States with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing, purchase of books, periodicals, and papers, and all necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada and other purposes, signed January 11, 1909, $100,000, to be disbursed under the direction of the Secretary of State.

Mr. BORAH. Mr. President, I want to ask the chairman of the committee, in charge of the bill, what is the purpose of this amendment? What is the necessity of it?

Mr. WARREN. It is to continue the existence and support of the commission that has been appointed under a treaty with Great Britain. Great Britain has the same number of members on the commission as has the United States. Questions are constantly arising in the waters along the boundary which require attention, and this commission is engaged in the work. We had some witnesses before the committee, from whom we learned of the work of preventing the pollution of the water and the control of the flow, whether the water should be taken out from one side by one Government without the consent of the other, and so forth. All those questions seem to be subjects of necessary consideration.

One matter that came before us, which seemed to show a great necessity for the commission, was the condition of the Lake of the Woods. I see the Senator from Minnesota [Mr. NELSON] is here, and perhaps he can tell us something about that.

Mr. NELSON. If the Senator will yield to me, I will say that I am somewhat familiar with the situation. In the country along the northern boundary of Minnesota there is a succession of watercourses from the east toward the west, terminating, first, in Rainy Lake and then through International Falls down the Rainy River into the Lake of the Woods, and the Lake of the Woods discharges through the Winnipeg River into Lake Winnipeg. There has been a great controversy over those waters by reason of a dam which the Canadians have had constructed at a place they used to call Rat Portage, but which is now called Kenora, where the Canadian Pacific Railroad crosses the outlet of the Lake of the Woods. There are three different outlets there, all merging into the Winnipeg River. The Canadians have put in two or three dams, which have been instrumental in flooding the lands of the settlers on the American side.

The Lake of the Woods is a large body of water, perhaps—outside of the five Great Lakes, the Superior system, and the adjoining lakes—the largest inland lake on the North American Continent. There is considerable navigation on the lake. We have one port on the lake at War Road, where there is considerable commerce and where the railroad crosses. There are two other minor ports on the Lake of the Woods, and the Rainy River from its mouth in the Lake of the Woods up to International Falls is navigable.

In the eastern reaches of the Rainy River system there is a controversy between the Canadians and the people on our side as to the withdrawal of water from the upper end of the Rainy River system, and at the Lake of the Woods there is a controversy in respect to lands that the Canadians have flooded by the dams at Kenora, or Rat Portage.

This commission was appointed pursuant to a treaty which we negotiated with Great Britain some years ago, and the preliminary work of settling and adjusting all these controversies is entailed on the commission. I have had in the course of the last two or three years a great many complaints from settlers. I have referred those complaints to the commission, and the commission have, as I understand, lately appointed experts to make a survey of this watercourse and see where our people are

affected and what injury and damage has been done to the flowage.

It is an important matter, and until it is finally adjusted there will be friction and controversy between our people and the people along the Lake of the Woods. In international waters we are always likely to have trouble over such matters until the disputed questions are settled.

It is a curious thing that we have on the Lake of the Woods, growing out of the original treaty with Great Britain, what is called the Northwestern Angle. The phraseology of that treaty was of such a character that it left an agle there—I do not know how large; perhaps a quarter of a township of land—on the west side of the Lake of the Woods entirely isolated from the rest of our country, and yet a part of our country. A great many settlers have recently gone into that section, which our people there call "No Man's Land."

I could go more into detail, but I am not willing to take up the time of the Senate. I know that the work of this commission is necessary, and that our settlers are very anxious that the commission should be instrumental in adjusting these difficulties. As I have said, I have had numerous letters from settlers there, and all I could do about the matter was to refer them to the commission. Before the organization of the commission I received many letters. All I could then do was to refer them to the State Department, and the State Department was almost powerless until this treaty was negotiated, and the commission was appointed under it.

Mr. ROOT. Mr. President, let me add to what the Senator from Minnesota [Mr. NELSON] has said, that the situation which he has recounted is an illustration of complications that are arising frequently all along the more than 3,000 miles of boundary between this country and Canada. Very much the same kind of questions are coming up along the boundary as come up among our own people inside of our country and as arise between Canadians inside of their country, but which, because of their being on boundary waters and the questions being between citizens of different countries, they can not be disposed of by ordinary courts. Reference of such matters to the State Department leads to long diplomatic correspondence between this Government and London. That is a very unsatisfactory way to dispose of such questions. The longer such questions remain unsettled the more difficult they become of settlement, people get excited about them, national spirit and prejudice are aroused, and they become really matters of serious controversy, when if they had been taken up at the beginning they could have been disposed of easily.

Mr. BORAH. Mr. President, I ask the Senator from New York how long this commission has been in existence?

Mr. ROOT. I think it was organized about a year ago. There was a long delay in the exchange of ratifications of the treaty. The treaty was made late in 1908 or early in 1909—I have forgotten which—and was ratified by our Senate, with a proviso in the resolutions of ratification which the Canadians hesitated a long time to accept. It was a proviso relating to matters at the Soo.

Mr. BORAH. I recall that.

Mr. ROOT. So that the treaty was not finally ratified until a little over a year ago, when the commissioners were appointed.

Mr. BORAH. May I ask the Senator what has been done upon the part of the commission toward consummating these difficulties or arranging them? Has it made any report, has any adjustment been made, or have any steps been taken looking to the final settlement of any of these controversies?

Mr. ROOT. I can not tell you that. I have not been following it for some time past. I know they have been at work, because I know some very serious questions have been referred to them. The number of questions which have arisen, and which were continually arising, made it apparent that a practically permanent court would be necessary to dispose of the questions that are arising.

I know one of the things they are now at work upon is the enforcement of the provision of the treaty prohibiting the pollution of boundary waters on either side. The foreign offices of the two countries have referred to them the question as to whether that provision is being violated anywhere along this boundary, and they are at work investigating that. Upon the conclusion of that investigation they will make a report upon it. I think it is highly probable that a great and serious controversy will be prevented because it is taken in time.

Mr. BORAH. It seems to me they must have been considering it for some time, for so far as I can learn the commission has made no report and consummated nothing in the way of final settlement.

Mr. ROOT. They have hardly had time.

Mr. CURTIS. Mr. President——

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

Mr. BORAH. I yield.

Mr. CURTIS. As chairman of the subcommittee, I had occasion to look into this question last week and examined a partial report. I find that a number of cases have been settled and a number of hearings have been had. Just last week the commission were in session up in Minnesota. I understand the Canadian Government have made full appropriation and have provided for their commission to carry on the work of settlement; but unless this appropriation is made there will be nothing for our commission to pay expenses with save and except their salaries. If you do not make this appropriation, about all they will get is their salaries, and nothing will be done. If you appropriate this money, then these various questions can be taken up, and I hope some of them will be settled.

I understand some of the controversies there are very serious. Here just a short time ago, because there was no way to settle the difficulties, the people on one side or the other threatened to use dynamite to get rid of a dam that was causing the overflow of the lands there, the question of damage to be settled by this commission.

Mr. BORAH. How many commissioners are there?

Mr. ROOT. Three on each side.

Mr. CURTIS. My recollection is that there are three on each side.

Mr. BORAH. What salary are they drawing?

Mr. CURTIS. Seven thousand five hundred dollars each.

Mr. BORAH. Does the Senator from Kansas think it is necessary to continue this commission interminably?

Mr. CURTIS. I think not; but undoubtedly it ought to be continued until they have time to pass upon these questions.

Mr. BORAH. Has the commission made any report, so that one can see what steps they have taken?

Mr. CURTIS. I do not remember seeing any report. I have had letters from the commission—or, rather, letters have been written to the State Department making a report as to progress and what they needed. That report, or partial report, was sent to the Senate Committee on Appropriations by the Secretary of State about a week ago.

Mr. ROOT. May I add something to the answer of the Senator from Kansas? I do not anticipate that the time will ever come when this commission will not be needed. I think that as the two countries along this tremendous boundary line become more and more thickly settled the need for it will increase. I do not think we shall ever see the time when this commission will not be needed to dispose of controversies along the boundary line in their inception, furnishing a machinery ready at hand for people to get relief and redress without going into the long processes of diplomatic correspondence. I think it will have to continue as long as the ordinary courts of the country continue. Of course it can be ended. The treaty under which it is created is a treaty which has some limit of life; I do not remember what it is.

Mr. BURTON. Five years from the time it was entered into, 1910.

Mr. ROOT. Five years, and until ended by notice, I think.

Mr. BORAH. May I ask the Senator from New York what is the necessity of three members of a commission like this?

Mr. ROOT. Because they have numerous things to attend to, and they have to divide up their work of actual investigation. They are not merely a court which sits and listens to testimony that comes before it, but they have to go themselves and inquire into situations extending from the Atlantic to the Pacific.

Mr. BORAH. Mr. President, I do not know what the members of this commission have accomplished. That is what I desired to find out. Not knowing what they have accomplished, I am not, of course, reflecting upon the members of the commission; but it does seem to me that there is no necessity for three members of this commission and that there ought to be some limit of time within which we can dispose of part of an expensive commission like this. Certainly there can be no more necessity for a large commission between this country and Canada to act upon matters arising between Canada and the United States than between Mexico and the United States.

Mr. ROOT. Mr. President, there has been a commission between the United States and Mexico, I was going to say, time out of mind—certainly for 20 years. That commission is still in existence, and it is still at work.

Mr. BORAH. That is proof positive of the fact that it is no benefit to mankind.

Mr. ROOT. It is a benefit to mankind, because it is disposing of questions which would otherwise become international causes

of controversy immensely more expensive and immensely more injurious than when they are taken and disposed of in the beginning, while they are still individual controversies. In such cases this commission can afford such relief as results from having somebody to go to for redress.

Mr. BORAH. I am disposed to take the view of the Senator from New York upon these matters, because he knows far more about them than I can possibly know. But, on the other hand, I do know, as the Senator from New York himself knows, that there is a great tendency to create unnecessary commissions and keep them alive time without limit.

Mr. ROOT. That may be. I dare say there is too much of that. But in this case we had before us the experience of a most unfortunate controversy, arising from not having any machinery to deal with questions when they arose. It came to a situation regarding the Alaska boundary in which there might have been a bloody affray which would have set all of the West and all of the United States and all of Canada aflame, when the difficulty could have been settled without any trouble at all if there had been some way of taking it up when it was first bruited. We had to dispose of that by a great tribunal, created for the purpose, and sitting in London, with an army of counsel, causing expense that would have supported a commission for the past 20 years. We had to create a great joint high commission here in 1898, of which the former Vice President, Mr. Fairbanks, was president of the American section, and Lord Herschel came over from England as president of the English section. That commission sat in Washington and at Montreal. They had an army of secretaries and clerks and experts, and they took up a great lot of questions that never would have amounted to anything if they had been disposed of when they first arose. Finally they broke up without deciding anything.

Having that experience before us, we undertook to create the kind of machinery that will prevent controversy by disposing of controversy when it is in the beginning; and that is the machinery of these commissions. Canada, far less able to incur expense than we, was ready to appoint her three commissioners, and to pay them.

As to the number, all I can say is that it seemed from the experience we had had in the former Waterways Commission, and the amount of work they had been called upon to do, that three on each side would be necessary. I do not think a smaller number could have done the work.

Mr. WORKS. Mr. President——

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

Mr. BORAH. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from New York if he has ever heard of the commission between this Government and the Government of Mexico ever settling anything or ever doing anything?

Mr. ROOT. Oh, yes, Mr. President. They have settled a great many—many controversies.

Mr. WORKS. I know some of them that they have not settled.

Mr. ROOT. I know there are some.

Mr. WORKS. They have been principally conspicuous for what they have not done.

Mr. ROOT. That is because the controversies that are not settled are the controversies that make a noise.

Mr. WORKS. They have been useful only in preventing controversies between the two countries by simply delaying action and doing nothing.

Mr. ROOT. They have been useful by settling scores and hundreds of controversies.

Mr. BORAH. What is the size of the Mexican commission? Does the Senator remember?

Mr. ROOT. I think there are three members. I am not certain. I would not like to say.

Mr. BORAH. I should like to ask one more question of the Senator from Kansas. Has the Senator from Kansas any knowledge upon which we can base an intelligent amendment to terminate the services of this commission?

Mr. CURTIS. I have not. I think the best plan is to make this appropriation, and see what they are doing with the court that has been organized, and then let the next Congress deal with it if they have not made a report sufficient to satisfy Congress.

Mr. BORAH. Apparently it ought to be created in perpetuity.

Mr. ROOT. I will suggest to the Senator from Idaho that no amendment to terminate the commission would be intelligent, because the commission is created under a treaty, and we are bound by the provisions of the treaty.

Mr. BORAH. As I understand then, from the Senator from New York, there is a treaty which obligates us to appoint a commission of three, and that treaty does not end for five years?

Mr. ROOT. Five years from——

Mr. BORAH. From the date of ratification?

Mr. ROOT. From the date of ratification. I do not remember what that is.

Mr. BORAH. Perhaps, then, there is some hope of terminating the matter at some time.

Mr. ROOT. There is some fear of it.

Mr. BORAH. So I observe.

Mr. BRISTOW. Mr. President, I should like to inquire how long it was after the commissioners were appointed by the United States before Canada appointed her members of the commission?

Mr. ROOT. I do not know.

Mr. BRISTOW. It was a number of years, was it not?

Mr. NELSON. Oh, no.

Mr. SMOOT. Mr. President, I believe it was about one year after the commissioners were appointed by the United States that Canada appointed her three members of the commission. I will say, also, that the members of the commission in Canada receive the same salaries as the members of the commission do here in the United States. The commission was created in May, 1910, as I remember. I should say the treaty was made at that time.

Mr. BRISTOW. In May, 1910?

Mr. SMOOT. No; I say, the treaty was made in May, 1910, and it had a life of five years. The commission was appointed in 1911.

Mr. BRISTOW. I have been advised that there is but one commissioner on the Mexican commission—that that work is done by one man. Whether that is true or not, of course I do not know. What I object to, however, is appropriating $100,000 here for something when we have no idea what it is for. My information has been that this commission, since it was created, has been used as a harbor of refuge for "lame ducks." I do not think we ought to be so generous in supplying them with this provender unless we know just the purposes for which it is to be expended.

Mr. NELSON. Mr. President, at the risk of taking up a little time, I will state that I have here a map of Minnesota. Right at the northern end here is the Lake of the Woods. A part of that lake, the southern part of it, washes the northern boundary of our State. Up here, at the north end, is the outlet of the lake in Canada, at Kenora, or what used to be called Rat Portage. Up there they built dams, raising the level of this water, flooding our lands, and injuring the two little ports that we have here on the south side of the Lake of the Woods.

If the Lake of the Woods were within our territory our settlers could go into court and bring suit against the parties erecting that dam and flooding their lands. But where the damage is caused by the Canadians over across the boundary line our people have no remedy except by the system provided through this treaty.

One of the main objects of negotiating this treaty was to settle all the troubles along our international waters. The treaty provided for this commission in order that they could inquire and ascertain the facts.

Some people think the commission has not done anything. To my knowledge the commission, the Canadian members and our members, met up here at Warroad, which is right here in the State of Minnesota, where the Canadian Northern Railroad crosses through our territory to go to Winnipeg. They met there last fall or summer and had extensive hearings, summoning people in from all around the borders of the lake. They finally came to the conclusion that in order to adjudicate the matter thoroughly they would have to appoint engineers and experts to take the levels of the lake, ascertain what the levels of the lake were before the dams were built ot Kenora and what they have been since, and what lands have been flooded—in other words, to get at the exact facts.

That is something of the work that I know about within my own knowledge. The commission notified me of their hearing and requested me to attend; but it happened that it was during the political campaign, so that I could not go.

Mr. BORAH. As I understand, then, we have this much of a report—that during the summer, when it is a delightful time to meet up there, these commissioners met and determined that it was necessary to employ an expert?

Mr. NELSON. The Senator has no business to understand anything of that sort. I said the commission met there and held hearings and examined witnesses.

Mr. BORAH. And they finally determined that is was necessary to employ an expert. It requires three commissioners to do that; and we are paying them $100,000 for what one man could determine, and what the Senator from Minnesota could have suggested without any summer vacation at all.

Mr. NELSON. That would be very good if we could appoint the Senator from Idaho to go up there and settle disputes between us and Canada.

Mr. BORAH. I would be delighted to go visiting with the Senator from Minnesota, but there is no necessity to go to Minnesota in order to have the matter properly attended to. The Senator from Minnesota will do that. But there is nothing in his statement which discloses to anyone's mind the necessity of this commission.

Mr. CUMMINS. The Senator from New York has convinced me of the necessity for the commission for a time at least. What I should like to know is, if anyone here has the information, what salaries are paid by Canada to her commissioners.

Mr. SMOOT. I understand that the three commissioners in Canada get the same salary that the commissioners of the United States receive.

Mr. CUMMINS. What are the expenses of the Canadians aside from salaries?

Mr. SMOOT. Evidently the expenses are the same as the expenses of the United States commissioners.

Mr. CUMMINS. But does the Senator from Utah know that?

Mr. SMOOT. All I know is that the report came here from one of the commissioners.

Mr. CUMMINS. We have appropriated here $100,000. Twenty-two thousand five hundred dollars are necessary for salaries, leaving $77,500 for traveling expenses, clerks, and so forth. I should like to know whether it costs Canada $77,500 for the support of the commission aside from the salaries.

Mr. BRISTOW. I understand that the hundred thousand dollars is in addition to the salaries and go to the expenses of the commission.

Mr. CUMMINS. No.

Mr. SMOOT. This is also to take care of the expenses, and the salaries of the commissioners until June 30, 1914. This is the expense not only for the four months they are yet to go on with the calendar year, but it provides for the expenses up to June 30, 1914, to the extent of $100,000.

Mr. CUMMINS. Why do we make an appropriation for the remainder of this year? Were they not appropriated for last year?

Mr. SMOOT. Yes; they were appropriated for. I can not say whether there is really enough to carry them until June 30 or not, but I say this provides for that and also for the salaries and expenses of the commission for the full year.

Mr. CUMMINS. Then the commission must have been put to greater expense than it was authorized to incur.

Mr. SMOOT. I do not say that the appropriation already made will not cover until June 30 of this year.

Mr. CUMMINS. What has impressed me is that possibly we were providing too many accessories for the commission, too many officers, too many clerks, and that sort of thing. We ought to make a reasonable limitation.

Mr. OVERMAN. They have $75,000 already on hand. They are given the unexpended balance, which means $79,000, and in addition to that they are given $100,000.

Mr. CUMMINS. I can not see how the commissioners can spend such a sum of money.

Mr. BORAH. They employ experts.

Mr. CUMMINS. This does not cover experts.

Mr. BORAH. What does it cover?

Mr. CUMMINS. The experts will be aside from this.

Mr. OVERMAN. The salary paid is $4,500, and there are clerks.

Mr. SMOOT. This covers all the expenses of the commission.

Mr. CUMMINS. The Senator thinks it covers the expenses of the commission, but if the commission has occasion to employ an expert it would not cover the expert, and we would have to pay the expert in the future, I assume.

Mr. SMOOT. Let me call the Senator's attention to the wording. It says:

> Expense of printing, purchase of books, periodicals, and papers, and all necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada and other purposes.

Mr. OVERMAN. We struck out periodicals.

Mr. CUMMINS. I do not believe it would cover the pay of many men as experts.

Mr. BORAH. I ask the Senator from Utah what kind of books and periodicals this is supposed to provide for?

Mr. CURTIS. If I may answer, we struck out books and periodicals. It would only include printing.

Mr. OVERMAN. Certainly; we struck that out in committee.

Mr. CURTIS. It was stricken out in the diplomatic and consular appropriation bill.

Mr. BORAH. It is not stricken out in this amendment.

Mr. SMOOT. I think the Senator is perfectly right.

Mr. OVERMAN. This is the way it happened. The item was put on the diplomatic and consular appropriation bill. I made objection to it and it was stricken out. It now comes here in another appropriation bill. We considered it on the diplomatic appropriation bill and we struck out the words "printing and periodicals." Then finding that they had $79,000 on hand, I thought that was sufficient for them, and in addition to that we struck out the whole item. Now it comes here in this shape, because certain parties came before the committee and said it was absolutely necessary. But in addition to that we struck out the words "periodicals and papers," because we did not want to have the commission sending for Munsey's and the other magazines and getting all the newspapers.

Mr. SMOOT. I believe the committee did agree to strike out "periodicals and papers." It will all be in conference and no doubt that will go out, or we could amend it now by striking out periodicals and papers.

Mr. BORAH. I do not know that anything would be gained by striking it out, because they will spend the $100,000, anyway.

Mr. SMOOT. Not necessarily.

Mr. BORAH. I should like to have the Senator from Utah watch and see how much they do not spend.

Mr. BRANDEGEE. Did I understand the Senator from Utah to say that the treaty under which the commission exists would expire in two years?

Mr. SMOOT. As I remember the date, the life of the treaty ends May 10, 1915.

Mr. BRANDEGEE. Then the commission would expire?

Mr. ROOT. It remains in force for five years dating from the day of exchange of ratifications, which was May 10, 1910, and thereafter until terminated by 12 months' written notice, given by either party to the treaty.

Mr. SMOOT. I understand that the Senator from Kansas has a letter giving a full explanation of the details, perhaps the expenditures and the working, and the letter may explain the matter better than we can.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

FEBRUARY 24, 1913.

Hon. HENRY D. FLOOD,
Chairman Committee on Foreign Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. FLOOD: In compliance with your request of this morning I herewith submit the following detailed estimate of the amount necessary to meet the expenditures on account of the United States section of the international joint commission under treaty of January 11, 1909, and the one-half of the joint expenses of the international joint commission in carrying on the work of the commission, including investigation of questions heretofore referred and of additional questions to be referred to the commission by the Governments of the United States and the Dominion of Canada under Article IX of said treaty during the fiscal year 1914.

These estimates are based upon actual expenditures made for the same purposes in the carrying on of this work during the latter half of the current fiscal year.

Investigation and report on the Lake of the Woods controversy, referred under article 9 of the treaty by the joint action of the United States and Canada.

	Estimated total cost.	One-half payable by the United States.
Salaries of engineers	$12,000	$6,000
Travel and subsistence of engineers	5,000	2,500
"Temporary help" in the collection in the field of engineering data concerning drainage area, precipitation, run-off, gauge readings, etc., including necessary supplies and equipment and the transportation of supplies and equipment	2,500	1,250
Travel, subsistence, and compensation of surveying parties	12,000	6,000
Expense of hearings to determine the effect of stated levels of the Lake of the Woods upon local interests and the rights of riparian owners, the extent of lands submerged and their value, witness fees, incidental expenses, etc	4,500	2,250
Report of above hearings, travel, subsistence, and compensation of stenographic reporters	2,500	1,250
Printing, including notices of times and places of hearings	300	150
Total	38,800	19,400

Investigation and report on the pollution of boundary waters, referred under article 9 of the treaty by the joint action of the United States and Canada.

	Estimated total cost.	One-half payable by the United States.
Salaries of sanitary experts under question No. 1 of the reference	$14,000	$7,000
Travel and subsistence of sanitary experts under question No. 1 of the reference	2,000	1,000
Field work necessary under question No. 1 of the reference, including tug hire, sample collectors, laborers, laboratory equipment, subsistence and travel, transportation of supplies and equipment, rent, cartage, express charges, ice, laboratory supplies, and necessary emergency purchases unclassified and small in amount	36,000	18,000
Expense of sanitary consulting engineers under question No. 2 of the reference	10,000	5,000
Expense of hearings, including stenographic reports of hearings, under question No. 2 of the reference	7,000	3,500
Printing, including notices of times and places of hearings	300	150
	69,300	34,650

Livingstone Channel investigation and report, referred under article 9 of the treaty by the joint action of the United States and Canada.

The Livingstone Channel investigation, referred by the United States and Canada under article 9 of the treaty, will probably be concluded before the beginning of the next fiscal year.

REGULAR AND SPECIAL MEETINGS OF THE COMMISSION.

Regular and special meetings of the commission for hearing and determination of cases under articles 3, 4, and 8 of the treaty, including printing, stenographic report of proceedings, and taking all testimony on cases submitted under said articles:	
Estimated total cost	$4,000
One-half payable by the United States	2,000

FIXED CHARGES PAYABLE BY THE UNITED STATES.

Salaries of three commissioners, at $7,500	$22,500
Salary of secretary and disbursing officer	4,000
Salary of clerk-stenographer	2,250
Rent of Washington office	2,500
Stationery and supplies	1,000
Travel and subsistence	8,000
Stenographic service to commissioners	1,500
Communication service, telegrams, etc	300
Total	42,050

SUMMARY OF AMOUNTS PAYABLE BY THE UNITED STATES.

Investigation of levels of Lake of the Woods	$19,400
Investigation of pollution of boundary waters	34,650
Regular and special meetings	2,000
Fixed charges	42,050
Total amount payable by the United States	98,100

I am advised, unofficially, that between now and the close of the next fiscal year there are other questions of difference between the Governments and their inhabitants that in all probability will be referred to the commission for investigation and report under Article IX. I am also advised that applications for the approval of the commission under Articles III and IV of the treaty of certain contemplated projects involving the use of these boundary waters for power and other purposes will be made within the next year, in which case the commission will have to afford the applicants and their opponents a prompt hearing under our rules, so that the appropriation of $100,000, with the unexpended balance, will not, in view of existing and prospective work, be in excess of what should be provided for fixed charges and our share of the joint expenses, which, under Article XII of the treaty, we have agreed to pay.

The sessions of the commission held during the past six months at different places along the boundary have afforded the inhabitants of both countries an opportunity to become acquainted with the purposes and functions and the jurisdiction of the commission, especially in respect to the consideration and final adjudication of their common interest and right in the use of these boundary waters. Since the use of these waters is becoming more and more valuable all the time in the industrial development on both sides of the line, and also for sanitary and domestic purposes, and the approval of this commission is, under the treaty, the first essential to their use, we may reasonably expect that applications for such approval will become more and more frequent.

With the work the commission now has before it, and with a knowledge gained from experience during the past six months concerning the expenses incident to the carrying on of that work, I consider the foregoing to be a conservative estimate of the amount that will be required to meet the fixed charges of the commission and the obligation of our Government to pay one-half of the joint expenses.

Yours, very truly,

——— ———, *Chairman.*

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

The amendment was agreed to.

Mr. NELSON. I ask leave to have the treaty published in the RECORD in connection with my remarks. I have a copy of it here.

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

The treaty referred to is as follows:

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN—BOUNDARY WATERS BETWEEN THE UNITED STATES AND CANADA.

(Signed at Washington, January 11, 1909. Ratification advised by the Senate, March 3, 1909. Ratified by the President, April 1, 1910. Ratified by Great Britain, March 31, 1910. Ratifications exchanged at Washington, May 5, 1910. Proclaimed, May 13, 1910.)

A proclamation by the President of the United States of America.

Whereas a treaty between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, was concluded and signed by their respective plenipotentiaries at Washington on the 11th day of January, 1909, the original of which treaty is word for word as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, ELIHU ROOT, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his ambassador extraordinary and plenipotentiary at Washington;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE.

For the purposes of this treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I.

The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the high contracting parties and the ships, vessels, and boats of both of the high contracting parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II.

Each of the high contracting parties reserves to itself or to the several State governments on the one side and the Dominion or provincial governments on the other, as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the high contracting parties intends by the foregoing provision to surrender any right which it may have to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbors, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE IV.

The high contracting parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the bounday in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid international joint commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE V.

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara for power purposes not exceeding in the aggregate a daily diversion at the rate of 36,000 cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE VI.

The high contracting parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article II of this treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE VII.

The high contracting parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE VIII.

The International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles III and IV of this treaty the approval of this commission is required, and in passing upon such cases the commission shall be governed by the following rules or principles which are adopted by the high contracting parties for this purpose.

The high contracting parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1) Uses for domestic and sanitary purposes;

(2) Uses for navigation, including the service of canals for the purposes of navigation;

(3) Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may, in the discretion of the commission, be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The commission, in its discretion, may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the commissioners shall have power to render a decision. In case the commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the commissioners on each side to their own Government. The high contracting parties shall thereupon endeavor to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE IX.

The high contracting parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The commission shall make a joint report to both Governments in all cases in which all or a majority of the commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the commissioners on each side to their own Government.

ARTICLE X.

Any questions or matters of difference arising between the high contracting parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said commission shall have power to render a decisison or finding upon any of the questions or matters so referred.

If the said commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the high contracting parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XLV of The Hague convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the commission failed to agree.

ARTICLE XI.

A duplicate original of all decisions rendered and joint reports made by the commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the commission.

ARTICLE XII.

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and Canadian sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission, incurred by it, shall be paid in equal moieties by the high contracting parties.

The commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in proceedings before the commission. The commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE XIII.

In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles, such agreements

are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by 12 months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of Our Lord one thousand nine hundred and nine.

(Signed) ELIHU ROOT. [SEAL.]
(Signed) JAMES BRYCE. [SEAL.]

And whereas the Senate of the United States by their resolution of March 3, 1909 (two-thirds of the Senators present concurring therein), did advise and consent to the ratification of the said treaty with the following understanding, to wit:

"*Resolved further, as a part of this ratification*, That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting or changing any existing territorial or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River, within its own territory, and, further, that nothing in this treaty shall be construed to interfere with the drainage of wet swamp and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty";

And whereas the said understanding has been accepted by the Government of Great Britain and the ratifications of the two Governments of the said treaty were exchanged in the City of Washington on the 5th day of May, 1910;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said treaty and the said understanding, as forming a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 13th day of May, in the year of our Lord one thousand nine hundred and ten, and of the Independence of the United States of America the one hundred and thirty-fourth.

[SEAL.] WM. H. TAFT.

By the President:
P. C. KNOX,
Secretary of State.

PROTOCOL OF EXCHANGE.

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between the United States and Great Britain, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Marys River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Marys River within its own territory, and, further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form.

In witness whereof they have signed the present protocol of exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, 1910.

PHILANDER C. KNOX. [SEAL.]
JAMES BRYCE. [SEAL.]

The next amendment was, on page 167, after line 23, to insert:

The appropriation in the sundry civil act approved March 4, 1911, for removing fence and wall around the Botanic Garden, and for such grading, soiling, seeding, and sodding as may be incident thereto, is hereby made available for said purposes for the fiscal year 1914.

The amendment was agreed to.

The next amendment was, on page 168, after line 4, to insert:

Senate: For indexing, when necessary, reports and hearings of Senate committees and joint committees of the Senate and House of Representatives, under the direction of the Committee on Appropriations of the Senate, $2,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 168, after line 9, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $46,000.

The amendment was agreed to.

The next amendment was, under the head of "Government Printing Office," subhead public printing and binding, on page 169, line 16, after the words "Public Printer," to strike out "$4,500," and insert "$5,500;"

Office of the Public Printer: Public Printer, $5,500.

The amendment was agreed to.

The next amendment was, on page 169, in line 22, after the word "clerks," to strike out "two at $2,000 each," and insert "one at $2,000."

Mr. CUMMINS. I hope that amendment will not be agreed to. I think the chairman of the committee will not insist upon it.

Mr. WARREN. I ask that the amendment be not agreed to.

The amendment was rejected.

The next amendment was, on page 169, in line 23, before the words "of class four," to strike out "nine" and insert "ten."

Mr. WARREN. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. CUMMINS. The two stand together.

Mr. WARREN. The two amendments stand disagreed to, and it leaves it as the House had it?

Mr. CUMMINS. As the House provided.

The next amendment was, on page 170, line 7, after the words "in all," to strike out "$131,060" and insert "$131,860."

Mr. SMOOT. That should stand.

The PRESIDENT pro tempore. The Chair assumes that the change in the total ought to be disagreed to.

Mr. WARREN. I have already asked unanimous consent to have the clerks take care of the totals.

The PRESIDENT pro tempore. That will be done.

The next amendment was, in the item of appropriation for the public printing, for the public binding, and for paper for the public printing and binding, etc., on page 172, line 6, after the word "work," to strike out "4,463,820" and insert "$4,464,020," so as to read:

Necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, $4,464,020.

The amendment was agreed to.

The next amendment was, on page 174, line 18, after "$200," to insert "*Provided*, That any unexpended balance of the allotment for 1913 of $2,000 for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory is hereby made available for the fiscal year ending June 30, 1914," so as to read:

For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendixes, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $37,500; for the Annual Reports and Bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the International Exchanges, $200; the International Catalogue of Scientific Literature, $100; the National Zoological Park, $200; for miscellaneous printing and binding for the Astrophysical Observatory, $200: *Provided*, That any unexpended balance of the allotment for 1913 of $2,000 for 1,500 copies of volume 3 of the Annals of the Astrophysical Observatory is hereby made available for the fiscal year ending June 30, 1914, and for the Annual Report of the American Historical Association, $7,000; in all, $76,200.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Superintendent of Documents," on page 177, line 7, after the word "clerks," to strike out "one" and insert "two"; in the same line, before the words "of class 3," to strike out "four" and insert "three"; and in line 18, after the words "in all," to strike out "$98,364" and insert "$98,564," so as to make the clause read:

Superintendent, $3,500; assistant superintendent, $2,500; clerks—2 of class 4, 3 of class 3, 4 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each, 10 at $720 each; cataloguer in charge, $1,800; cataloguers—2 at $1,500 each, 3 at $1,200 each, 1 at $1,100, 7 at $1,000 each, 3 at $900 each; cashier, $1,600; librarian, $1,500; shipper in charge, $1,200; stock keepers—1 at $1,100, 3 at $1,000 each, 5 at $900 each, 2 at $720 each; 2 assistant messengers, at $720 each; 3 mailers, at $840 each; janitress, $626; 2 folders, at $626 each; 11 laborers, at $626 each; 5 messenger boys, at $420 each; in all, $98,564.

The amendment was agreed to.

The next amendment was, under the head of "The Panama Canal," on page 180, line 24, after the words "Panama Canal," to insert "including the purchase, or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of $12,000 tons of coal and a speed of at least 14 knots per hour, two colliers to cost not exceeding $1,000,000 each," so as to read:

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, including

the purchase, or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, two colliers to cost not exceeding $1,000,000 each, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904.

Mr. BRANDEGEE. I wanted to ask the chairman of the committee whether, at the bottom of page 180, where it says including the purchase of these vessels, the law provided that they may be purchased anywhere—abroad or in this country?

Mr. WARREN. As I recall it, we took the House provision which they had incorporated in the bill and which went out on a point of order. We did not go into the examination beyond what we found in the House bill.

Mr. BRANDEGEE. I wanted to suggest to the chairman if it would not be proper to provide that they should be purchased in the United States if, in the discretion of the President, they could be had at a proper price.

Mr WARREN. I shall be glad to yield to the Senator, who is chairman of the great committee which handles Panama Canal matters, if he desires to offer an amendment.

Mr. BRANDEGEE. I do not care to offer an amendment, but my impression was that the policy of the Government in the construction of the Panama Canal was to buy all they could in this country if they could get it at a price which was proper. I thought that in the interest of protection to American shipbuilders it would be proper.

Mr. WARREN. The Senator is entirely right, but I had supposed that under no circumstances would they be bought anywhere else, except in great stress, in case of war or something of that kind.

Mr. BRANDEGEE. If there is no objection, I would suggest that after the word "purchase" there be inserted the words "in the United States if, in the discretion of the President, they can be had at a reasonable price."

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

The SECRETARY. On page 180, line 25, in the amendment of the committee, after the word "purchase," it is proposed to insert "in the United States if, in the discretion of the President, they can be purchased at a reasonable price."

Mr. LODGE. I suggest to the Senator from Connecticut that what we desire to do is to buy vessels built in this country. The amendment suggested would authorize the purchase of a foreign vessel which had been brought in here.

Mr. BRANDEGEE. A foreign vessel could not be brought in here without paying the duty before it got here, and then it could not have American registry, could it?

Mr. LODGE. It could not have American registry. If you will say "including the purchase of vessels of American registry," it would be all right.

Mr. BRANDEGEE. All I desire is to call it to the attention of the conference committee.

Mr. WARREN. I think the Senate committee amendment really intended to have the vessels built in Government yards. It reads "including the purchase or construction in Government yards."

Mr. BRANDEGEE. I do not care even to press the amendment. What has appeared in the RECORD will call the matter to the attention of the conferees, and that is what I was trying to do.

Mr. WARREN. It can be inserted in conference, if necessary.

Mr. LODGE. I move to strike out the words——

The PRESIDENT pro tempore. Does the Senator from Connecticut withdraw his amendment?

Mr. BRANDEGEE. I withdraw the amendment, and the Senator from Massachusetts [Mr. LODGE] can offer it to suit himself.

Mr. LODGE. I move to strike out the words "purchase, or."

Mr. BRANDEGEE. I wish to suggest in regard to that—and it is only a suggestion—that if the colliers were needed immediately by the Government it would take some time to build them in Government yards, and that would, perhaps, prevent the acquisition of the colliers. However, it will not make any difference what amendment is adopted here; the whole matter will go to conference, I assume.

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

The SECRETARY. It is proposed to amend the amendment, on page 182, line 25, by striking out the words "purchase, or."

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 Appropriations was, under the subhead "Fortifications, Panama Canal," on page 187, after line 15, to insert:

Four drainage ditches, each 2,000 yards long, at $1 per yard, $8,000.
Toro Point—
For four drainage ditches, each 1,000 yards long, at $1 per yard, $4,000.
For 5,000 yards small cemented ditches with necessary clearing, at $2 per yard, $10,000.
Miraflores Locks (surroundings)—
For cemented drainage ditches, straightening spillway, and for making the present dump suitable for concentration camp, $10,000.
Gatun Locks (surroundings)—
For cemented drainage ditches between dam and Agua Clara Reservoir, and on dam and vicinity, $8,000.
For clearing and improving edge of lake in vicinity of Gatun and dam, $4,000.
Permanent post site—
For drainage ditches, $12,000.

The amendment was agreed to.

The next amendment was, on page 189, line 5, after the words "Panama Canal," to strike out "$4,870,000" and insert "$4,926,000," so as to read:

In all, specifically for fortifications and armanent thereof for the Panama Canal, $4,926,000.

The amendment was agreed to.

The next amendment was, on page 190, after line 11, to insert as a new section the following:

SEC. 3. That during the fiscal year 1914 all moneys received by the Isthmian Canal Commission, or the governor of the Panama Canal, from any services rendered or materials and supplies furnished employees, the Panama Railroad Co., the Canal Zone government, the Panama Government, and other departments of the United States Government, from hotel and hospital supplies and services; from rentals, wharfage, etc.; from labor, materials, and supplies and other services furnished vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made; except that moneys received from the sale of material and equipment purchased and used for construction purposes, and as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts; and except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal Act.

That until the close of the fiscal year 1914, when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him.

Mr. BRANDEGEE. I should like some explanation of that paragraph from the chairman of the committee. I believe it is subject to the point of order that it is general legislation. I do not make the point at present, but I should like some explanation.

Mr. WARREN. This section was inserted in the original House bill, but was stricken out on the floor on a point of order. The Secretary of War has very strongly urged us to reinstate the provision in the bill.

Mr. BRANDEGEE. Has the Canal Commission been heard before the committee on the matter?

Mr. WARREN. I was informed by the chairman of the commission that this provision followed almost exactly the wishes of Col. Goethals, who was before the committee, and that he and his assistants there were in perfect harmony.

Mr. BRANDEGEE. Is the Senator able to state in what respect this requirement differs from the present method of keeping the accounts?

Mr. WARREN. Does the Senator refer to the manner in which the canal accounts and the railroad accounts are to be kept as near as may be in one set of books? To what paragraph does the Senator call especial attention?

Mr. BRANDEGEE. I refer to the whole section. Were there any hearings in regard to it? The Senator has referred to one thing I wanted to know, namely, why the Panama Railroad accounts should be kept with the commission's accounts and the supply accounts?

Mr. WARREN. I happen to know from personal talks with Col. Goethals. I know that he was exceedingly anxious that it should be so provided, in the interest of economy and good organization in the work. I have here, if the Senator would like to have it read, the observations of the Secretary of War, who gives the reasons as they appear to the department.

Mr. BRANDEGEE. I should like to hear them read.

Mr. WARREN. I will say to the Senator that in some instances material has been sold without the money going into the Treasury. So far as possible they are endeavoring to have

the money taken in go into the Treasury as miscellaneous receipts, but in other cases, like that of the hotel, they wish to carry out the same system as that at present in vogue.

Mr. BRANDEGEE. If legislation was needed, I wondered why it had not been introduced in the form of a bill and referred to the Committee on Interoceanic Canals instead of putting it on an appropriation bill.

Mr. WARREN. I think the reason of that was because of later conferences. I will say to the Senator that in the last visit of Col. Goethals, and in his examination before the committee, the amounts to be appropriated were greatly reduced, because he reported that they had available funds to a larger extent than had been anticipated. They had more recent advices than were possessed by the regular committee which handles such matters in the other House.

Mr. BRANDEGEE. I should like to hear the communication from the Secretary read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, February 24, 1913.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations, United States Senate.

DEAR SENATOR: Your attention is invited to the following provisions in the sundry civil bill, relating to the Panama Canal, which were stricken out on points of order when the bill was under consideration in the House of Representatives on Friday, the 21st instant:

1. The following language in the fifth item, commencing on line 24, page 172, and ending with the last word on line 4, page 173, was stricken out:

"Including the purchase or construction in Government yards, in accordance with plans and specifications to be prepared by the Navy Department, and to have a cargo capacity of 12,000 tons of coal and a speed of at least 14 knots per hour, 2 colliers to cost not exceeding $1,000,000 each."

The advisability of providing for the two colliers above referred to is very clearly set forth in Col. Goethals's testimony on pages 78 to 87, and pages 282 and 283, of the inclosed report of hearings held by the House Committee on Appropriations on the Isthmus in November last, and it is hoped that your committee will see fit to reinsert the item in the bill. The words "and colliers," line 24, page 176, stricken out of the bill on the floor of the House should also be reinserted. The line and page references are in each instance to the bill as reported in the House, it being impracticable to give you references to the bill as passed in the House as the bill in that form has apparently not yet been printed.

2. All of section 3 of the bill as reported in the House was stricken out on the point of order that it contained new legislation. This section reads as follows:

"SEC. 3. That during the fiscal year 1914 all moneys received by the Isthmian Canal Commission or the governor of the Panama Canal from any services rendered or materials and supplies furnished employees, the Panama Railroad Co., the Canal Zone government, the Panama Government, and other departments of the United States Government from hotel and hospital supplies and services, from rentals, wharfage, etc., from labor, materials, and supplies and other services furnished vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made, except that moneys received from the sale of material and equipment purchased and used for construction purposes, and as a reimbursement for the expenditures incurred in constructing water works, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such water works, sewers, and pavements incurred under agreement with the Panama Government and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts; and except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

"That until the close of the fiscal year 1914 when any material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal is no longer needed, or is no longer serviceable, it may be sold in such manner as the President may direct, and without advertising in such classes of cases as may be authorized by him."

The reasons for the insertion of the first paragraph of the above-quoted section 3 are fully set forth in a note appended to the estimates as submitted to Congress. (See p. 496 of the Book of Estimates, 1914.) This note is also printed on pages 86–87 of the committee print of the estimates for the Panama Canal, 1914, a copy of which is inclosed herewith for your convenience.

The last paragraph of the above-quoted section 3 merely repeats language which has appeared in substantially the same form in the sundry civil appropriation acts since the act approved March 4, 1911.

In view of the foregoing it is hoped that your committee will reinsert this section in the bill.

3. Section 4 of the bill as reported in the House was also stricken out on the point of order that it is a new legislation. This section reads as follows:

"SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the funds appropriated for the Panama Canal is authorized, in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund."

The reason for inserting this section is set forth in a note submitted with the estimates for the Panama Canal, which will be found at page 496 of the Book of Estimates, 1914. This note is also printed on page 88 of the inclosed committee print of the estimates. For further information relative to this section your attention is invited to Col. Goethals's testimony, as set forth on pages 73 and 201 of the inclosed report of hearings before the House Committee on Appropriations hereinbefore mentioned. It is hoped that your committee will also see its way to reinsert this section of the bill.

Very respectfully,
HENRY L. STIMSON,
Secretary of War.

Mr. BRANDEGEE. Mr. President, all that communication states is to repeat the language contained in the bill, and then it says that the reasons for asking the provision to be reinstated will be found in some testimony in the House hearings.

Mr. WARREN. The reasons are in the House hearings.

Mr. BRANDEGEE. I have no doubt of that; but I have not read the House hearings, and I thought the Senator could give the information to the Senate.

Mr. WARREN. I shall undertake to give the Senator any information he desires.

Mr. BRANDEGEE. I should like to know something about the testimony.

Mr. WARREN. Perhaps the Senator sees the matter in a different light than I do. The profit, for instance, accruing from the operations, and so forth, instead of being turned back into the canal fund, goes, as do the receipts of other property that is sold, into the United States Treasury as a miscellaneous receipt. The railroad and the canal are supposed to be one corporation, and while hereafter there might be separate accounts kept of railroad and canal funds there is no reason why there should be a separate set of employees.

Mr. BRANDEGEE. No; but if the Senator will permit me to interrupt him and to be more specific, section 3, from line 12 down, provides that these different funds, the moneys received by the commission, the governor of the Panama Canal from any services rendered, and so forth—

shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made.

How have those moneys been credited in the past?

Mr. WARREN. They have been credited as set forth here, and the reason the language is repeated is to differentiate between them and the funds that are to go into the Treasury. It is entirely clear to me, and I am sorry the Senator does not see it in that way.

Mr. BRANDEGEE. It did not seem to me, if that be the method employed now, that additional legislation is necessary.

Mr. WARREN. It occurs in this way: We appropriate large sums of money in what might be called "a lump sum." The members of the commission are appreciating the fact now, as they are getting toward the end of the canal building, and, in fact, Congress has been insisting that they should get their accounts into line with those of other Government accounts; that is, that money shall go into the Treasury and be regularly appropriated out. The first part of the provision may be a little ambiguous. It is absolutely what is done now, but it points out to what things it may apply and what must be turned ino the Treasury.

Mr. BRISTOW. Mr. President, this is most important legislation, affecting the entire relation of the Panama Railroad to the Government. It is, in fact, a supplemental act to the act that was passed last year establishing the Government of the Panama Canal. I make the point of order that it is general legislation on an appropriation bill.

Mr. WARREN. Mr. President, I do not propose to contest against points of order. I have no interest in it. The Panama Canal can go without legislation. I am willing that it should.

Mr. BRISTOW. I think it is very much better——

Mr. WARREN. But this was the judgment of the House, after most extensive hearings, in which Col. Goethals and all others interested in the canal were examined. I can not see a harmful thing in the legislation, and it seems to me it is a proper thing to let it go. Of course if it is stricken out here, though, it is not a subject of conference.

Mr. BRISTOW. I do not want it to be a subject of conference, because it is very important legislation and ought to go before the proper committee of the Senate for consideration.

Mr. WARREN. Does the Senator know when it will be considered?

Mr. BRISTOW. The Committee on Interoceanic Canals always considers the legislation that comes before it, and it is ready to consider any bills that are introduced.

Mr. WARREN. We have been a long time providing for the future control of the canal in some respects.

Mr. BRISTOW. I think the Committee on Interoceanic Canals has made very desirable provisions for the future control of the canal, and it is not necessary for the Committee on Appropriations to take that legislation out of its hands.

Mr. WARREN. So far as I am concerned, as I say, there is no disposition to do so; but this was a case where this legislation was perfected on the other side, and I considered it the duty of

the committee on this side to bring it before the Senate. I do not propose to spend five seconds longer in defending it.

Mr. LODGE. Mr. President, of course I am not contesting the point of order, but perhaps I do not see the gravity of this as I ought to. As I understand, if this amendment is disposed of by the point of order the money received from the sale of material and equipment and money received as reimbursement for expenditures incurred in constructing waterworks, sewers, and pavements will go back to the credit of the appropriation instead of being covered into the Treasury as miscellaneous receipts. That is all that will happen.

Mr. BRISTOW. The Senator does not refer to the appropriations for the Panama Railroad. The Panama Railroad has been run as an independent corporation in a way, but with a certain relationship to the canal.

Mr. LODGE. Is that specifically designated in this amendment?

Mr. BRISTOW. No; I think not.

Mr. LODGE (reading)—

And except that after the canal is opened for use and operation the net profits accruing from the operations herein authorized shall annually be covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

No; they are specifically excepted. I have been studying that over. The only thing this language does is to take two classes of receipts out of the existing law, and instead of crediting them to an appropriation it sends them back to the Treasury as miscellaneous receipts. The reason for making that distinction is obvious. They are lump sums received for money already spent. They come back from the sale of material and money reimbursed from the cities for expenditures made. They do not come in what we may call the current work. They are moneys already spent and returned; and for some reason, which seems wise to Col. Goethals and the commissioners, it is thought better to cover them into the Treasury as miscellaneous receipts than to go on crediting them to the appropriation. Of course, if the point of order is made, it goes out; but it seems to me that it does not make any other change than that. They will simply go on being credited to the appropriations, and for that reason the people down there will have more money to spend. They will be able to spend the money over again; that is all.

Mr. SMOOT. I believe the Senator from Kansas is in full sympathy with the policy of the Government in the past—that all moneys received from any source should go into the Treasury of the United States. That is all that this language provides. In the past there have been appropriations made for the purchase of materials for construction. That will cease from now on, and it will be reversed. There will be sales of material and sales of machinery that have been purchased for construction. In the past that has gone upon that particular account. Now, we say that if those sales are made, the money that is received from the sales should go into the Treasury of the United States, and not to the credit of that particular account. That is all there is in this provision. I believe that if the Senator feels that is a correct statement of the case, he will not object to it.

Mr. BRANDEGEE. Mr. President, I think the Senator from Kansas had some idea that in some way, under this language, the distinct operation of the Panama Railroad would be impaired. I call the Senator's attention to section 4. It simply provides—

That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the funds appropriated for the Panama Canal is authorized in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund.

I do not see that that has anything to do with the separate operation of the Panama Railroad as a separate company under its charter. I think I understand the matter sufficiently to say that it simply provides for a matter of accounting. As far as I am concerned, I have refrained from making the point of order, and I hope the Senator will not insist upon the point of order, but will at least let the matter go to conference.

Mr. BRISTOW. Mr. President, I have very, very strong convictions in regard to the merging of these accounts, in regard to requiring the surplus moneys of the railroad to be deposited in the Treasury, it having been heretofore run as a separate corporation, managed by a board of directors appointed by the Secretary of War, who holds the stock in trust for the United States. I am not willing to have any legislation that changes that relationship go into any bill, if I can prevent it, without its being given the most careful consideration.

Mr. LODGE. Will the Senator tell me how the fund or net profits accruing from the railroad and from the canal are now disposed of according to the law?

Mr. BRISTOW. They are used now just the same as they always have been. It is a separate corporation, just as it was before the United States got control of the stock. The Secretary of War appoints a board of directors and the board of directors control it. They determine what shall be done with the funds of the railroad. It has been a most important factor in the construction of the canal, and in the operation of the road as a commercial line pending the construction of the canal.

Mr. SMOOT. The Senator refers to the merging of these accounts. If he will look at section 4, he will find that it specifically provides that separate accounts shall be kept of the transactions under each fund.

Mr. BRISTOW. I am perfectly familiar with it. I am glad to advise the Senator that I understand the provision clearly. It is legislation. I think it is unwise legislation, and I make the point of order against it.

Mr. SMOOT. I will admit that it is legislation. There is not any question about that.

Mr. FLETCHER. Mr. President, if the Senator will permit me, it occurs to me that there ought to be no good reason for offering the material used in the construction of the Panama Canal at public sale to the highest bidder, and that the best disposition to make of it is to bring it here and use it in doing work on the rivers and harbors, pursuant to acts of Congress. In that case we would not need to bother about the disposition of the proceeds arising from the sale of such machinery.

Mr. BRANDEGEE. I will say to the Senator from Florida that the Senator from Kansas has reserved his point of order simply to allow me to put a short excerpt in the RECORD. If the point of order is sustained, of course the whole paragraph will go out, and there will be no chance to offer any amendments to it.

Mr. FLETCHER. I did not know but that if that amendment was suggested, the Senator from Kansas would withdraw his point of order, and allow the matter to go through.

Mr. BRANDEGEE. Very well, the Senator can try him after I have finished putting in this excerpt.

Inasmuch as in this paragraph, section 6 of the Panama Canal act is alluded to—it refers to the act approved August 24, 1912—I desire to put into the RECORD what is referred to. The act provides:

The President is also authorized to establish, maintain, and operate, through the Panama Railroad Co. or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

I do not think the amendment that we have been discussing, against which the point of order has been suggested, will make any material change, or any change whatever, in the independent operation of the Panama Railroad, or do anything else than provide a legalized and systematic method of keeping the accounts there. I still have hope, despite the dire prediction that I made a few minutes ago, that the Senator from Kansas will relent and allow the whole matter to go to conference.

Mr. BRISTOW. Mr. President, it is hard for me to resist anything that the Senator from Connecticut might ask——

Mr. BRANDEGEE. It does not appear to be.

Mr. BRISTOW. But to me it is a most important legislative matter. I have been familiar with the Panama Railroad, and its relation to the construction of the canal, ever since we acquired that property, and I should regret very deeply to see legislation of this kind incorporated into the statutes without its having most careful consideration by the committee.

The PRESIDENT pro tempore. Does the Senator insist upon his point of order?

Mr. BRISTOW. I must; yes.

The PRESIDENT pro tempore. The Chair feels constrained to rule that the point of order is well taken, on the ground that it is general legislation on an appropriation bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 191, after line 21, to insert as a new section the following:

SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the funds appro-

priated for the Panama Canal is authorized in so far as may be practicable, provided that separate accounts shall be kept of the transactions under each fund.

Mr. WARREN. Mr. President, the point of order lies against that, also.

Mr. LODGE. It is all out.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 193, after line 14, to insert as a new section the following:

SEC. 9. That section 8 of the District of Columbia appropriation act, approved June 26, 1912, shall not take effect or be operative during the fiscal year 1914 except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year 1914 expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the government of the District of Columbia; and a detailed statement of all such expenses incurred from June 30 until December 1, 1913, shall be submitted to Congress on or before January 1, 1914.

The amendment was agreed to.

The next amendment was, on page 194, after line 5, to insert:

TO PROVIDE FOR THE PARTICIPATION OF THE UNITED STATES IN THE PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

That there shall be exhibited at the Panama-Pacific International Exposition, to be held at San Francisco in 1915, such articles and materials as illustrate the function and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and the President is hereby authorized to provide for the collection and exhibition of such articles and materials, under the direction of a board, which is hereby created, to be known as the Government exhibit board, to be composed of one person to be named by the head of each executive department and one each by the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the governor of Porto Rico, the governor of Alaska, and the United States Geographic Board, which Government exhibit board shall be charged with the selection, purchase, preparation, safe keeping, exhibition, and return of such articles and materials as the authorities appointing said board may, respectively, decide shall be exhibited. The President may also designate additional articles for exhibition, whether originating in the United States or her insular possessions. The Pan American Union is hereby invited to make an exhibit illustrating the resources and international relations of American Republics; and in case this invitation be accepted the governing board of the Pan American Union is authorized to appoint a person who shall also be a member of said Government exhibit board, and said board is hereby directed to provide space for said Pan American exhibit. The President shall designate one member of said board as chairman, and the board itself shall appoint its secretary, disbursing officer, and such other officers as it may deem necessary. The membership of said Government exhibit board, with the exception of the representative of the Pan American Union, shall be selected from persons in the employ of the United States, and, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but all members of said board and assistants so detailed shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, while necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive this allowance in lieu of the transportation and mileage now allowed by law. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said Panama-Pacific International Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine. The disbursing officer shall give bond in the sum of $30,000 for the faithful performance of his duties, said bond to be approved by the Secretary of the Treasury. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as the Secretary of the Treasury may prescribe, a sum of money from the appropriation hereinafter to be made for the governmental participation in the exposition, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of exhibition as authorized by the exhibit board.

The Secretary of the Treasury shall cause a suitable building or buildings to be erected within the Presidio Military Reservation on the site set apart for that purpose, and is hereby authorized and directed to contract therefor in the same manner and under the same regulations as for other public buildings in the United States, the said building or buildings to be constructed from plans to be approved by the Secretary of War and said Government exhibit board.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,500,000, for the purpose of inaugurating, installing, and maintaining said Government exhibition and for said Government building or buildings; said sum to be paid out by the Secretary of the Treasury from time to time under such regulations as the Secretary of the Treasury may prescribe.

The President of the United States is hereby authorized to detail an officer of the Department of State, an officer of the Army, and an officer of the Navy as members of a commission which is hereby constituted, to be known as the National Exposition Commission. The President shall designate one of said commissioners as chairman of the commission. Vacancies in said commission shall be filled in the same manner as original appointments. Each of said commissioners shall receive such pay in addition to his present salary and allowances as will make his total compensation $7,500 per annum; said commissioners shall appoint a secretary at $4,000 per annum, and there is hereby allowed the sum of $10,000 per annum, or so much thereof as may be necessary, for the purpose of defraying the clerical, office, and other necessary and actual expenses of said commission, including necessary traveling expenses. Said commission shall be authorized and empowered to act as a board of arbitration to settle and determine any and all disputes arising between the commissioners of foreign Governments and the directors of said Panama-Pacific International Exposition, whenever a formal request for such action is made by any foreign commissioner; and said National Exposition Commission shall represent the Government of the United States at said exposition in the reception and entertainment of persons officially representing foreign Governments.

Said National Exposition Commissioners shall be detailed not earlier than July 1, 1913, and their term of service as said commissioners shall not extend beyond July 1, 1916; and the President may terminate said commission at any time after January 1, 1916.

Mr. LEA. I move as an amendment to the amendment the amendment favorably reported this afternoon from the Committee on Industrial Expositions.

Mr. WARREN. Does the Senator offer it as an amendment to the amendment?

Mr. LEA. Yes; I offer it as an amendment to the amendment.

Mr. WARREN. Is that the way you are offering it?

Mr. FLETCHER. Amended by adding.

Mr. LEA. By adding.

Mr. WARREN. Adding to the bill?

Mr. LEA. Adding to the bill.

Mr. WARREN. I intended to have that come up separately.

Mr. LEA. Very well.

Mr. JONES. I offer an amendment to the amendment to come in on page 197.

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

The SECRETARY. On page 197, in line 12, strike out "$1,500,000" and insert in lieu "$1,550,000," and after the word "buildings," in line 15, insert:

Of which sum $50,000 shall be used by said Government exhibit board in preparing and installing an Alaska exhibit of such character as said board may determine.

Mr. WARREN. I hope the Senator from Washington will not insist upon that amendment. I think we ought to leave it to those in charge of the exhibit, because if we separate it for one purpose we might as well separate it for all.

Mr. JONES. No; I think not. There is no way in Alaska by which they can get a fund to prepare an exhibit, and, I take it, unless the board of directors prepare an Alaska exhibit they will simply prepare what may be termed a Government exhibit. I hope this small amount may be allowed for this distant territory. There is no other section of the country similarly situated. I hope the chairman will not antagonize the amendment.

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

The amendment to the amendments was rejected.

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

Mr. GORE. Mr. President, I wish to inquire how long it has been since the commission at the St. Louis Exposition went out of existence.

The PRESIDENT pro tempore. The Senator does not direct that inquiry to the Chair, the Chair hopes.

Mr. GORE. I make it universal. I thought probably some member of the Committee on Industrial Expositions might be able to answer the question. I do not remember who is the chairman of the committee.

Mr. ROOT. Mr. President, I heard only the first question asked by the Senator from Oklahoma about the St. Louis Exposition. How long has it been since the commission went out of existence? The St. Louis Exposition was held, I think, 10 years ago.

Mr. GORE. The exposition was held in 1904, and I think some one told me that the commission is still in existence, doing business at the old stand, or the new stand, or somewhere else.

Mr. ROOT. I dare say that may be, but I call the attention of the Senator from Oklahoma to the fact that this amendment provides that there shall be no commission except officers of the Government discharging their proper functions. There are two commissions provided for—one the ordinary Government exhibit commission, such as we have for all sorts of expositions, large and small. For many years there has been in each Government department a clerk, ordinarily one of the upper clerks, whose business it has been to look after the Government exhibit from that department. The chief clerk of the War Department has always been designated to look after the Government exhibit. He did at Chicago, he did at Jamestown, he did at St. Louis, he did at Seattle, he did at Portland. He is thoroughly familiar with the subject. It does not cost anything. It is a part of his regular business. It is so in each of the other departments.

This amendment provides that the Government shall make an exhibit at San Francisco, and that exhibit is to be prepared and cared for by this collection of representatives of each department.

Mr. GORE. I should like to ask the Senator what is the usual appropriation made by Congress for this Government exhibit. Is it the uniform custom to have a Government exhibit of this sort?

Mr. ROOT. It is. Let me say, further, that we passed a resolution requesting the President to invite all the nations of the earth to attend this exposition. When we did that and the President sent our invitation to them to come here and erect buildings on our soil and make exhibits in order to celebrate our achievement in building the Panama Canal, we incurred an honorable obligation ourselves to erect buildings and make an exhibit, to do what we asked them to do, and we can not forego it.

Mr. GORE. Mr. President, I should like to ask the Senator if the representatives of San Francisco, when the contest was on between that city and New Orleans, did not give reiterated assurances that if San Francisco were given the exposition they would not ask the Government to appropriate a cent.

Mr. ROOT. Mr. President, I do not know, and for my part I do not care.

Mr. WORKS. If the Senator will permit me——

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

Mr. GORE. Yes.

Mr. WORKS. The people of San Francisco or the people of California are not asking the Government to contribute anything toward this exposition. They propose to furnish all the money that is necessary for that purpose. This is simply a question of the Government making its own exhibit. The building that is to be constructed is to be constructed upon Government land, upon its own property, and it is expected that it will be useful for the permanent purposes of the Government.

We are not asking anything from the National Government to carry on this exhibit. That has been done in almost every other case, if not in every case, where an exposition has been held. The Government has not only made its exhibit, but it has furnished money to the corporation of the city or whatever might be the case for carrying on the exhibition itself.

Mr. CRAWFORD. Mr. President——

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

Mr. GORE. There is one other question I should like to ask.

Mr. CRAWFORD. I wish to say just one word; that is all.

Mr. GORE. Very well.

Mr. CRAWFORD. I happened to be a member of the Committee on Industrial Expositions at the time the representatives of these cities came before it and made their representations. I recall distinctly that the representatives of San Francisco made the statement the Senator from California has now made, but stated also that, of course, the matter whether or not the Government would have an exhibit of its own was a question with which they had nothing to do and would be a matter for the Government to determine on its own part.

So I do not think they are in the position of having erected some promise here that we would have a right to refer to in excusing ourselves from having an exhibition.

Mr. WILLIAMS. Mr. President——

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

Mr. GORE. Yes, sir.

Mr. ROOT. I thought I had the floor, to answer the Senator from Oklahoma, and I had not completed.

Mr. WILLIAMS. I ask the Senator from New York to yield, then.

Mr. ROOT. I yield.

Mr. WILLIAMS. Mr. President, a few words of pleasant historical reminiscence will not, perhaps, be out of place.

I remember distinctly when all these happenings happened. I was at that time serving my interregnum, a two-year term between my service in the House and in the Senate. The people of New Orleans asked me amongst others to come up and help them get the exposition. I came. The New Orleans people had in their bill a provision almost identical with the one now asked for by the people of San Francisco, providing for a Government building and for a Government exhibit and for no other sort of help at all.

We got to the point where we had about 30 majority in the House of Representatives in favor of New Orleans. San Francisco then came in with a proposition to ask nothing at all of the Government of the United States, and the bill fixing the exposition at San Francisco contained no provision for a Federal building nor for a Federal exhibit, and the assurance was made that San Francisco would never call for it. Whereupon the economy brigade in the House of Representatives, some from several of the Southern and Western States, who had been committed to New Orleans, voted for San Francisco upon the theory that they were saving money to the Federal Treasury.

Some of us said to them, "You are not saving anything, because when a nation commits itself internationally to an exposition it must some day make itself a party to it; you are merely postponing the appropriation. San Francisco may tell you that she does not want a dollar from the Federal Treasury, but she will come in later and ask for an appropriation."

But that reasoning did not prevail, and as a consequence New Orleans lost out on the logical point, as they said at that time, and San Francisco won, and upon the ground that New Orleans was wanting a building erected and an exhibit made by the Federal Government and that San Francisco asked nothing of the sort and never would—at least it was supposed that she never would.

As I said then I believe now, that after a Government commits itself internationally to an exposition the Government becomes necessarily a part and parcel of the exposition to some extent; how far is a matter of wisdom for the legislative body, but, at any rate, some day the thing must happen, and now it has happened.

I had hoped that a point of order would lie, but it will not lie. As far as I am concerned, I have never voted for one of these appropriations by the Federal Government to carry on an exposition. I have my doubt not of its constitutionality but of its wisdom, at any rate, and all that. But I am not at all surprised that San Francisco has found it necessary now to come and make a demand which at that time the Representatives from California, at least in the House, said that she would not find it necessary to make.

Mr. ROOT. I had just said I did not know anything about any representations or promises made by the representatives of San Francisco, and that I did not care.

Mr. WORKS. Mr. President——

Mr. ROOT. Let me proceed for a moment. I do not look upon this as a question as to what San Francisco wants; I look at it as a question as to what comports with the self-respect of the United States in dealing with a great international exposition in her own territory, to which she has invited all the other countries of the world to come and make exhibits. I do not think that one should invite a gentleman to dinner and not attend the dinner. I do think that we incur an obligation when we issue an invitation. What I would be concerned with is that we shall meet that obligation in a decent way. For that reason I was ready to report this amendment.

Now, as to the other phase of this amendment. It is a commission to do certain things at the exposition aside from the Government exhibit. There has been much pulling and hauling at both ends of the Capitol regarding the appointment of commissioners to this exposition. At one time in another place the legislation got into such a form that they had provision for seven commissioners, so as to give $7,500 apiece and expenses, which would have taken about $300,000 out of the funds of this exposition company.

We have brushed all that aside and provide that certain things which ought to be done under the direction of the United States, because we are the host, shall be done by a commission composed of persons already in the employment of the United States, one designated by the President from the Department of State, one from the officers of the Army, and one from the officers of the Navy, to receive no salary except enough to make up the difference between their present pay and $7,500. Those commissioners are charged with two duties. Those duties are provided for in this provision, and they are also provided for by formal resolutions adopted by the exposition corporation. Those are, first, to act as arbitrators in any controversy which may arise between foreign exhibitors and commissioners and the exposition company. Such questions are continually arising regarding space and location. If foreign exhibitors consider themselves aggrieved, as we have invited them here, we are bound to see to it that they have fair treatment, and this provides for it. The other is that these commissioners are authorized to supervise and require the proper reception and entertainment and care for the representatives of foreign countries who come here under our invitation.

There have been many most unfortunate and humiliating incidents at our former expositions, occasions upon which the distinguished representatives of foreign countries coming here under the formal invitation of the Government of the United States have been left to care for themselves and wander around the streets of strange cities, not knowing where to go nor what to do, because nobody was looking after them. The amendment provides authority for this commission of Government officers to see to it that such things do not happen again.

Mr. President, whatever may have happened regarding the St. Louis Exposition Commission—and I know nothing of it—can have but little bearing, and, indeed, no bearing, upon the provisions of this bill.

Mr. GORE. Mr. President, I have entirely too much faith in and respect for the hospitality of San Francisco to believe that she would permit the stranger within her gates to go uncared for and unattended. I have too much respect for the good faith of San Francisco to believe that she would not feel offended if Congress should vote this gratuity for the exposition, in view of the reiterated assurances that the General Government would not be expected to contribute.

It is just a little singular that if this appropriation was not amongst those contemplated in those assurances that this bill should be sponsored by the junior Senator from California [Mr. WORKS].

I am willing to go almost any length in the service of that Senator, but I fear me that he might provoke the hostility of the people of the city of San Francisco if we were to suffer this appropriation to be voted.

There is one further objection. This provision retains an Army officer and a naval officer as two of the three members of the exposition commission, the Government being required only to pay the difference between their regular salary and $7,500 per year—I should say a thousand dollars, or such a matter.

Mr. President, I am not willing to save the Government that thousand dollars. Think of the magnificent and the munificent generosity and extravagance exhibited by the Senate last night, and then for the Senator from New York [Mr. ROOT] to come in here and set up a plea that this Government should save the miserable sum of a thousand dollars. It does not comport with the dignity of the Senate nor with the record and history of the Senate.

I move to strike out the words "Army officer and naval officer." Let us give somebody else a chance. We can expend $7,500 more than has been contemplated, and create the additional necessity for a high tax and a high tariff.

The PRESIDENT pro tempore. The Senator from Oklahoma moves an amendment to the amendment, which will be stated.

Mr. PERKINS. Mr. President, before the amendment is voted on, I desire to reiterate that which I have said before and which was stated by the representatives of the exposition before the Senate committee. California and San Francisco do not want one dollar, either by loan, gift, or otherwise. I was a member of the Committee on Appropriations when our friends from Jamestown came here asking for assistance for the exposition there. We gave them $1,500,000 for their exposition, and loaned them $1,000,000 more, which has not yet all been repaid, while St. Louis had $6,000,000 donated for her exposition buildings and a loan of $4,000,000. I ask the Secretary to read the statement which I send to the desk, which I have prepared in relation to the present status of the various expositions at this time.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

"The pending amendment provides for a Government building and exhibit at the Panama-Pacific International Exposition and appropriates $1,500,000 therefor. The amendment follows the language of the act providing for a Government exhibit at the Louisiana Purchase Exposition (sundry civil act of June 28, 1902), and creates a Government Exhibit Board composed exclusively of Government employees to serve without extra pay, and whose duty it is to collect and install the exhibit. The amendment also provides for a National Exposition Commission of three officers to be detailed, respectively, from the Department of State, the Army, and the Navy. This commission is charged with the duty of arbitrating differences arising between the exposition authorities and the foreign commissions. The commission is also required to act as the representative of the United States Government in receiving and entertaining persons officially representing foreign Governments.

"The Panama-Pacific International Exposition is financed entirely by the people of California. The exposition authorities are pledged not to ask Congress for any appropriation whatever, as a gift or loan to the exposition. The appropriation provided for in this amendment relates wholly to the proposed Government exhibit. The committee feels that the appropriation asked for is very moderate, and that all of it is required if the United States is to make an exhibit comparable to the exhibits already provided for by foreign Governments. The amounts heretofore appropriated by Congress for the principal international expositions are as follows (S. Doc. 65, 58th Cong., 3d sess.):

Buffalo Exposition	$1,015,000.00
World's Fair, Chicago	5,840,329.64
New Orleans	1,650,000.00
Paris, 1900	1,472,500.00
Centennial Exposition, Philadelphia	2,533,184.59
Louisiana Purchase Exposition	11,179,000.00

"The appropriation for a Government building and exhibit at the Louisiana Purchase Exposition was $1,579,000.

"In response to the President's invitation 25 nations have already officially notified the Department of State of their intention to participate in the Panama-Pacific International Exposition. These countries are Argentina, Bolivia, Canada, China, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Great Britain (provisionally), Guatemala, Haiti, Honduras, Japan, Mexico, Netherlands, Nicaragua, Panama, Peru, Portugal, Salvador, Spain, Sweden, and Uruguay.

"In September last, after the expiration of the period of mourning for the late Emperor of Japan, the commissioners from Japan appointed for that purpose selected the site of the Japanese buildings and gardens at San Francisco, within the grounds of the Presidio Military Reservation set apart for foreign exhibitions. The commissioners announced that the Japanese Government would expend more than $1,000,000, and that at the close of the exposition the buildings and gardens would be presented to the Government and people of the United States as a testimonial of good will.

"The Governments of China, Canada, the Netherlands, Portugal, Spain, Brazil, and Sweden have sent commissioners to San Francisco to select sites for their buildings. Some of these sites have been chosen and the work of preparing for construction and installation is in active progress. The French commissioners have asked for a reservation of 8 acres, and will arrive soon to confirm the selection. The Department of State is in receipt of communications from our representatives abroad, indicating that many other countries are preparing to accept the invitation to participate and to erect buildings. Meanwhile great interest is manifested in the exposition by the States of this Union. Up to this date sites have been dedicated by the following States: New York, Pennsylvania, Nebraska, Arizona, Utah, Washington, Oregon, New Jersey, Colorado, South Dakota, Nevada, Missouri, Idaho, Kentucky, Montana, Ohio, Illinois, Indiana, West Virginia, Massachusetts, Minnesota, and by the Philippine Islands and Hawaii. Bills are pending in the various legislatures for appropriations for State exhibits ranging from $50,000 to $500,000. The largest appropriation made by any State is that of New York, $700,000.

"It may be proper for me to add that the building erected by our Government is to be located in the Presidio Military Reservation, which contains about 1,500 acres, covered with extensive improvements. The proposed building is to be retained by the Government for offices and other military purposes, for which the Government is now paying in rent in San Francisco over $53,000 a year. Therefore, as a business proposition, I am sure it will appeal to every Senator as very desirable the Government should make this appropriation."

The PRESIDENT pro tempore. Will the Senator from Oklahoma state the amendment which he proposes to the committee amendment?

Mr. GORE. I suggested as an amendment that the provision requiring that two of the three commissioners should be an Army and a Navy officer be stricken out.

Mr. LODGE. Mr. President, the provision is, as I understand, that the commission shall consist of an officer from the State Department, an officer of the Army, and an officer of the Navy. That seems to me the only good feature of the provision. These commissions or expositions have been convenient, but not profitable to the United States.

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

The SECRETARY. On page 197, lines 19 and 20, it is proposed to strike out of the committee amendment the words:

An officer of the Army, and an officer of the Navy.

Mr. LODGE. I was trying to address the Senate on that amendment.

The PRESIDENT pro tempore. The amendment had not been stated from the desk.

Mr. LODGE. I thought it had.

The PRESIDENT pro tempore. The Senator is in order, and is recognized.

Mr. LODGE. Mr. President, I repeat that I think this amendment will remove from this provision its best feature, if not its only good one. I do not propose to drag out any opposition to this provision, or to make a point of order upon it. I have had too much experience with industrial expositions in Congress to suppose that anything of this sort can be stopped. I have seen a great many of them in the years I have served here. I once or twice pointed out that there was an industry of getting up expositions. Huge sums of money are secured from the United States. Very rarely, if ever, are expositions of any benefit to the places that get them. First a demand comes from various States. The statement is made that an exposition will

cost the Government nothing; then come the invitations to foreign nations; then we must do our duty as gentlemen, and properly receive the representatives of foreign nations; then comes the appropriation for the Government exhibit; then comes a loan, which is to be paid back out of the gate money; then comes the removal of the restriction; then comes the relieving of the company from the loan, and sometimes there comes another appropriation on top of that. The first step is here, and I have no doubt we shall take it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Oklahoma [Mr. GORE] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the committee.

The amendment was agreed to.

Mr. LEA. I offer the amendment which I send to the desk and ask to have it read.

Mr. WILLIAMS. Mr. President, what action was taken on the amendment to the amendment offered by the Senator from Oklahoma [Mr. GORE]? Is that the amendment we just voted on?

The PRESIDENT pro tempore. No. The amendment of the Senator from Oklahoma to the amendment of the committee was not agreed to.

Mr. WILLIAMS. What was the last vote on?

The PRESIDENT pro tempore. The last vote was on the amendment of the committee itself.

Mr. WILLIAMS. Well, I should like to have the yeas and nays on the amendment itself.

The PRESIDENT pro tempore. The Senator from Mississippi demands the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The amendment has been agreed to.

Mr. LEA. I now ask that the amendment offered by me may be read.

The SECRETARY. At the end of the bill it is proposed to insert as a new section the following:

SEC. —. That the Government of the United States participate in the National Conservation Exposition, to be held at Knoxville, Tenn., during the fall of 1913. That there shall be exhibited at said exposition from the executive departments of the United States such articles and materials as will illustrate the administrative functions of the Government and their educational value in connection with the development and wise use of the natural resources of the United States, especially the advancement of scientific agriculture and the increase of productivity of the soil through improved cultivation and crop selection and the prevention of avoidable wastes; the reclamation of wet and dry lands by drainage and irrigation, respectively; the more economical development and utilization of mineral wealth; the judicious use of and prevention of needless destruction in woodlands for maintaining timber supply and protecting headwaters of streams; the development and utilization of water power; the use and improvement of inland waterways; the preservation of fish and game; the preservation and protection of life in connection with industrial operations; and the economic investigations and operations of the Government with reference to mines and mining, geology, topographic and other surveys, public roads, experiment stations, rural-life improvements, education, child welfare, and public health and sanitation. To secure a complete and harmonious arrangement of such Government exhibit a United States Government board of managers is hereby authorized to be appointed to be charged with the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of such articles and materials as the heads of the several departments, respectively, decide shall be embraced in the Government exhibit herein authorized. The President of the United States may also designate additional articles of peculiar interest for exhibition in connection with the said Government exhibit. Said Government board of managers shall be composed of three persons now in the employ of the Government and shall be appointed by the President, one of whom shall be designated by the President as chairman of the said board and one as secretary and disbursing officer. The members of said Government board, with other officers and employees of the Government who may be detailed to assist them, including officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence, to be fixed by the Secretary of the Treasury, whilst necessarily absent from their homes engaged upon the business of the board. Officers of the Army and Navy shall receive said allowance in lieu of the subsistence and mileage now allowed by law; and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army or Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed for duty in connection with said National Conservation Exposition. Employees of the board not otherwise employed by the Government shall be entitled to such compensation as the board may determine, and such employees may be selected and appointed by said board. The disbursing officer shall give bond in such sum as the Secretary of the Treasury may determine for the faithful performance of his duties, said bond to be approved by said Secretary. The Secretary of the Treasury shall advance to said officer from time to time, under such regulations as he may prescribe, a sum of money from the appropriation for the Government exhibit herein authorized, not exceeding at any one time the penalty of his bond, to enable him to pay the expenses of said exhibit as authorized by the United States Government board herein created: *Provided*, That the cost of said exhibit herein authorized, including the selection, purchase, preparation, transportation, arrangement, safe-keeping, exhibition, and return of the articles and materials so exhibited, and the expenses and per diems of the officials and employees of the Government connected with the exhibit, shall not exceed the sum of $100,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. —. That the Secretary of the Treasury shall cause a suitable building to be erected on the site of said National Conservation Exposition for said Government exhibit. Said building shall be erected from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and directed to contract for said building in the same manner and under the same regulations as for other buildings of the United States, but the contract for said building, including the preparation of ground therefor and the approaches thereto, and the interior and exterior decorative wiring and lighting, etc., therefor, shall not exceed the sum of $150,000, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That a suitable building site and grounds satisfactory to the Government board of managers herein established shall be deeded to the Government of the United States in fee simple for the purpose.

SEC. —. That all articles that shall be imported from foreign countries for the sole purpose of exhibition at the National Conservation Exposition to be held at Knoxville, Tenn., in the year 1913, upon which there shall be a tariff or customs duty shall be admitted free of the payment of the duty, customs fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell for delivery at the close thereof any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

SEC. —. That the United States shall not be liable on account of said exposition for any expenses incident to or growing out of the same, except for the purpose of paying the expense incident to the selection, preparation, purchase, installation, transportation, care, custody, and safe return of the exhibits made by the Government, for the erection of the building herein provided, and for the employment of proper persons as officers and assistants by the Government board created by this act, and for other expenses, to be approved by the chairman of the Government board or, in the event of his absence or disability, by such officer as the board may designate, and the Secretary of the Treasury, upon itemized accounts and vouchers.

SEC.—. That the United States shall not in any manner or under any circumstances be liable for any of the acts, doings, or representations of said National Conservation Exposition Co. (a corporation), its officers, agents, servants, or employees, or any of them, or for service, salaries, labor, or wages of said officers, agents, servants, or employees, or any of them, or for any subscriptions to the capital stock, or for any stock certificates, bonds, mortgages, or obligations of any kind issued by said corporation, or for any debts, liabilities, or expenses of any kind or nature whatever attending such exposition corporation or accruing by reason of the same.

SEC. —. That nothing in this act shall be construed so as to create any liability upon the part of the United States, directly or indirectly, for any debt or obligation incurred or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by said United States Government board in excess of appropriations herein made.

SEC. —. That the United States shall not in any manner or under any circumstances make any loan, directly or indirectly, to the National Conservation Exposition Co., or for the benefit of said exposition, or for any of the purposes thereof, and shall not appropriate for any purpose whatsoever in connection with said exposition any sum of money other than that provided in this act.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Tennessee. [Putting the question.] By the sound the "noes" appear to have it.

Mr. LEA. I ask for a division.

The PRESIDENT pro tempore. The Chair will ask Senators to vote and will put the question once more. [Putting the question.] By the sound the "noes" appear to have it.

Mr. LEA. I ask for a division.

The question being put; there were, on a division—ayes 19, noes 19.

The PRESIDENT pro tempore. Nineteen have voted in the affirmative and nineteen have voted in the negative—not a quorum.

Mr. LEA. I ask for the yeas and nays.

The PRESIDENT pro tempore. The absence of a quorum having been disclosed, the Secretary will call the roll.

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

Ashurst	Curtis	La Follette	Shively
Borah	Dillingham	Lea	Smith, Ariz.
Bourne	du Pont	Lodge	Smith, Ga.
Bradley	Fall	McCumber	Smith, Md.
Brandegee	Fletcher	Martine, N. J.	Smith, S. C.
Briggs	Gallinger	Oliver	Smoot
Bristow	Gamble	Owen	Stephenson
Bryan	Gardner	Page	Sutherland
Burton	Gore	Penrose	Thomas
Catron	Gronna	Percy	Townsend
Chamberlain	Jackson	Pittman	Warren
Chilton	Johnson, Me.	Poindexter	Webb
Clark, Wyo.	Johnston, Ala.	Pomerene	Wetmore
Clarke, Ark.	Jones	Richardson	Williams
Crane	Kenyon	Root	Works
Crawford	Kern	Sheppard	

The PRESIDENT pro tempore. On the call of the roll 63 Senators have answered to their names. A quorum of the Senate is present.

The question is upon the amendment submitted by the Senator from Tennessee [Mr. LEA], upon which a division has been demanded.

The amendment was agreed to—ayes 30, noes 20.

Mr. WARREN. Mr. President, there are several more committee amendments, and I am advised that there are certain amendments to be offered by Senators. We have a special order, and I want to ask unanimous consent now that at the conclusion of the eulogies we may take a recess until 8 o'clock. I think we can finish this bill very shortly after 8 o'clock.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. WILLIAMS. Mr. President, I understood that part of this day had been set aside for eulogies.

Mr. WARREN. That is what I am attending to. My request covers that.

Mr. WILLIAMS. Do the eulogies begin at 8 o'clock?

Mr. WARREN. They will be held immediately.

Mr. CLARKE of Arkansas. What is to happen after the eulogies?

Mr. WARREN. I ask that the Senate then take a recess until 8 o'clock.

Mr. SMOOT. So as to finish this bill.

Mr. CLARKE of Arkansas. Is that all?

Mr. SMOOT. I will also ask unanimous consent that if the bill is concluded this evening we may take up the calendar under Rule VIII after the passage of the bill, and under that rule consider bills to which there is no objection.

Mr. SMITH of Georgia. And no bills that are objected to?

Mr. SMOOT. Certainly; no bill to which there is an objection.

Mr. SMITH of Georgia. Does the Senator from Wyoming include that in his request?

Mr. WARREN. I hope that consent will be given. I will include it in my request.

Mr. CRAWFORD. I suggest that we take up only bills that have passed the House. There is very little use in going on with these Senate bills.

Mr. SMOOT. Mr. President, we will take up all of the bills upon the calendar to which there is no objection—House bills and Senate bills and all.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. POINDEXTER. I should like to have the Senator modify his request so as to include those bills which have passed the House.

Mr. SMOOT. Mr. President, it does include those bills.

Mr. POINDEXTER. Whether they are objected to or not.

Mr. SMOOT. Oh, that would be impracticable.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none.

Mr. SMITH of Arizona. Mr. President, I have been trying to make myself heard for some time.

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

Mr. SMITH of Arizona. I could not hear the Senator's request. I will ask whether the eulogies are to occur immediately or later.

Mr. SMOOT. The request is that the bill be laid aside immediately and eulogies begin; that at the close of the eulogies a recess be taken until 8 o'clock; that at 8 o'clock we resume the consideration of the bill until it is passed; that when it is passed, the calendar under Rule VIII be taken up and bills to which there is no objection considered.

Mr. CLARKE of Arkansas. And no others?

Mr. SMOOT. And no others.

Mr. SMITH of Arizona. When will further amendments to the pending bill come in?

Mr. SMOOT. Right after 8 o'clock.

Mr. SMITH of Georgia. And no other business except that.

Mr. SMITH of Arizona. I want to offer an amendment now, and have that amendment pending.

Mr. WARREN. I hope we shall not suffer by having too many cooks spoil the broth. The intention is to lay the bill aside now and have the eulogies to which we have agreed take place, and that we shall then go into recess until 8 o'clock; that at 8 o'clock we shall take up this bill exactly where we leave it now and complete it; and that following that we shall take up the calendar.

The PRESIDENT pro tempore. Is there objection?

Mr. CRAWFORD. Mr. President, I wish to prefer a request. I simply want an opportunity to state it, not to delay the Senate. There is a bill here as to officering and manning vessels in which there is widespread interest. It passed the House some time ago. It was unanimously reported favorably. I do not think there would be any objection whatever to it. If there should be, I certainly should not press it; but I should like to have unanimous consent to get that bill out of the way. It is not the seamen's bill, but the officering bill. It relates to mates of vessels.

Mr. PENROSE. That bill can be brought up to-night.

Mr. CRAWFORD. It is pretty well down on the list.

Mr. PENROSE. There are a number of Senators who will not ask to have their bills taken up.

Mr. CRAWFORD. Very well; then I will not press it now.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

CITIZENSHIP FOR PORTO RICANS.

Mr. POINDEXTER. I give notice that on Monday, March 3, following the routine morning business, I shall call up Order of Business 1158, House bill 20048, a bill declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States, and ask its consideration at that time.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPARKMAN, Mr. RANSDELL of Louisiana, and Mr. LAWRENCE managers at the conference on the part of the House.

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 to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8275) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

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 Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The message further announced that the House had disagreed to the amendments of the Senate to 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

RIVER AND HARBOR APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NELSON. I move that the Senate insist upon its amendments, 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. NELSON, Mr. SMITH of Michigan, and Mr. SIMMONS conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 26874) making appropriations for the currrent 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 end-

ing June 30, 1914, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GAMBLE. I move that the Senate insist upon its amendments, 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. GAMBLE, Mr. CLAPP, and Mr. STONE conferees on the part of the Senate.

INDIGENT PERSONS IN ALASKA.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 267) providing for assisting indigent persons other than natives in the District of Alaska, 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 amendments of the House, and agree to the same with an amendment, in the nature of a substitute, as follows:

"That section 1 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes,' approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"'SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Twenty-five per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"'That at the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States district judges in Alaska one of said equal amounts.

"'That each of said judges is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each judge shall quarterly submit to the Secretary of the Treasury an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance remaining in the hands of any judge at the end of any quarter shall be returned to the Secretary of the Treasury of the United States, and by him deposited in the said "Alaska fund," and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory.'"

Amend the title so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

And the House agree to the same.

KNUTE NELSON,
HENRY E. BURNHAM,
GEORGE E. CHAMBERLAIN,
Managers on the part of the Senate.
B. G. HUMPHREYS,
RUFUS HARDY,
J. N. LANGHAM,
Managers on the part of the House.

The report was agreed to.

The PRESIDENT pro tempore. The Chair feels constrained to announce that the hour for the special order has arrived.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE BINGHAM.

Mr. PENROSE. Mr. President, pursuant to the notice already given by my colleague [Mr. OLIVER], I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative HENRY H. BINGHAM.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
May 19, 1912.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. HENRY H. BINGHAM, late a Member of the House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of these exercises shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Pennsylvania will be read.

The resolutions (S. Res. 482) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. HENRY HARRISON BINGHAM, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PENROSE. Mr. President, we pause, as is customary, in the midst of the pressing business of the session in order to pay our last tribute of respect to the memory of one who was perhaps better and more intimately known personally to the Members of the House and Senate than almost any other Member of Congress. As for myself, I entertain a keen feeling of personal loss in his death. We were intimate personal and political friends for over 30 years. We were neighbors in Philadelphia, and during this long period we had never parted in our political associations, but had always been found upon the same side in many hard-fought political campaigns in Philadelphia and Pennsylvania. Gen. HENRY HARRISON BINGHAM spent his lifetime in the public service. He graduated from Jefferson College, in Washington County, Pa., in 1862, and following his graduation he enlisted in a company of Volunteers raised in the college town of Cannonsburg and was elected first lieutenant. His military career was distinguished and remarkable. He was wounded at Gettysburg in 1863, at Spottsylvania in 1864, and in Farmville, Va., in 1865. He was captured in the battle of Boydon Plank Road in 1864. He fought with distinction in many battles, and received a gold medal from Congress for special and exceptional gallantry in the Wilderness fight. He was mustered out of the service in June, 1866, having been brevetted for distinguished gallantry as major, lieutenant colonel, colonel, and brigadier general. At the time of his death he was the only Member of the House of Representatives to wear a medal for distinguished bravery during the war. He was the last veteran of the Union Army remaining in the Pennsylvania delegation in Congress.

Following the war Gen. BINGHAM became a law student in the office of Benjamin Harris Brewster, who later became Attorney General of the United States, but in a very short time thereafter, in 1867, he was appointed postmaster of Philadelphia by President Andrew Johnson upon the recommendation of Gens. Meade and Hancock, as a partial reward for his services during the war. In 1872 he resigned the postmastership, having been elected clerk of the quarter sessions court of Philadelphia County. In 1878 he entered the National

House of Representatives with the Forty-sixth Congress, and served continuously ever since.

Gen. BINGHAM was an active figure in Congress for more than 30 years. He served on important committees and was twice a candidate for the speakership. He was instrumental in securing the reduction of letter postage from 3 to 2 cents and the rate on second-class mail matter from 2 to 1 cent a pound.

He was a delegate over the long period of his public service to many State conventions in Pennsylvania and to national Republican conventions. In the national conventions, with a few exceptions, he served as a member and frequently as chairman of the committee on rules.

Gen. BINGHAM married Miss Mary H. Alexander, a daughter of Judge Alexander, of Baltimore, in 1874. His wife died in the summer of 1884.

Few men have held a seat in Congress for a continuous period longer than did Gen. BINGHAM. Samuel J. Randall, William D. Kelley, Charles O'Neil, and Alfred C. Harmer were upon his first election the other Members from the Philadelphia districts. Each of them lived to be what is commonly known as "father of the House"—that is, the oldest Member in continuous service. Upon the death of Congressman Harmer Gen. BINGHAM succeeded to that title. Upon the death of Gen. BINGHAM the Hon. JOHN DALZELL, of Pittsburgh, acquired the title. It is true that Mr. CANNON, of Illinois, and Mr. PAYNE, of New York, have served more terms in the House of Representatives than any of the Pennsylvanians referred to, but their service had been interrupted and did not cover a continuous period. The record of Pennsylvania in this connection is indeed remarkable.

Gen. BINGHAM was frequently mentioned for important offices in Philadelphia and in Pennsylvania. He seemed, however, to prefer his congressional career and could never be induced to depart therefrom. His career covered more than a generation of political leadership in Pennsylvania. He entered Congress during the administration of President Hayes and when Simon Cameron was nearing the close of his career of leadership of the Republican Party in Pennsylvania.

As an orator Gen. BINGHAM was always in demand in political campaigns. In his prime he had a vigorous and eloquent style of oratory and delivered many orations upon occasions celebrated by the soldiers of the Grand Army of the Republic. In his character he was straightforward, honest, stalwart, and in many respects without guile. He was earnest and steadfast in his friendships and affections. Probably no man in any walk of life in Philadelphia was better known than Gen. BINGHAM. Indeed, his reputation extended over the State of Pennsylvania.

He came of good Pennsylvania stock. His father, James Bingham, was a prominent business man in Philadelphia and the shipping firm of Bingham Bros. was widely known.

Mr. BURTON. Mr. President, in commemoration of the life of HENRY H. BINGHAM we call to mind a man who was at the same time a faithful friend, a public-spirited citizen of his city and State, and an able, experienced legislator. In addition to all this, he had a distinction of which he might well have been proud during his life and of which his friends may be proud now that he is gone. That was his record as a soldier in the Civil War.

He was one of the last of our public men who served in that great struggle. They have been falling off like leaves in the autumn. Few, if any, are left now who have not attained the age of threescore and ten. I remember one morning taking lunch with him, when he mentioned his change from a college career to that of a soldier. He had been prominent in the football team—indeed, was its captain—and almost immediately after graduation he enlisted in the Army.

I have asked that there be furnished an official copy of his military record. This is not that fulsome, exaggerated language which is sometimes used of men who have been engaged in war. It is the actual record of service rendered, a part of the country's archives:

First lieutenant, One hundred and fortieth Pennsylvania Infantry, August 22, 1862.

Captain, September 9, 1862.

Brevet major of Volunteers, August 1, 1864, for good conduct and conspicuous gallantry at the Wilderness, Spottsylvania, and Gettysburg.

Major and advocate judge of Volunteers, September 20, 1864.

Lieutenant colonel of Volunteers April 9, 1865, for highly meritorious service during the recent campaign, terminating with the surrender of the insurgent army under Gen. Robert E. Lee.

Colonel and brigadier general of Volunteers April 9, 1865, for conspicuous gallantry and meritorious service during the war.

Awarded medal of honor August 26, 1883, for the Battle of the Wilderness, May 6, 1864, where he rallied and led into action a part of the troops that had given way under the fierce assaults of the enemy.

Honorably mustered out July 2, 1866.

Wounded at Gettysburg, at Spottsylvania, and at Farmville, Va.

Among all the many most notable records of the Civil War there are few which would surpass this.

As has already been stated, after a brief interval at the close of his military service, he became postmaster of Philadelphia, and afterwards held a position in that city, and then he came here to Congress in 1879. Those who knew him as an associate in the House of Representatives remember him for his grasp of detail, for his readiness as a speaker, and, I may say in general, for his faithfulness in the public service.

He was at one time chairman of the Committee on Post Offices and Post Roads, and at a later time a prominent member of the Committee on Appropriations. Each year it was his task to bring in the bill known as the legislative, executive, and judicial bill, and I am certainly safe in saying that no one in either House ever presented an appropriation or other bill to Congress who more thoroughly understood the subject.

He was extremely affable and courteous to his fellow Members and yet firm, indeed, somewhat rigid, in his adherence to certain rules and in his refusal to go outside of legal provisions in the making of appropriations.

He was always a ready speaker, and no one who knew him could fail to receive from him a permanent impression—an impression which lasted not merely during his life but after his death—of his geniality and friendliness.

There was in him no disagreeable trait, no rough edges, no manifestations of egotism or of desire to exploit his personal prerogative. He was always a genial friend, a real friend.

I had occasion numerous times to note his interest in the city and State in which he lived. I think it may readily be said that of all the Members of the House of Representatives he was the one to whom any matter of interest in his city was most frequently intrusted. I remember several hearings when large delegations came here from Philadelphia, enough in numbers to fill a room and to extend well outside, but they all waived their claims to speak and put forward Mr. BINGHAM as their spokesman, having reliance on him as one who would present the case much better than all the rest together could do.

Reference has been made to his long service of 33 years. It had been so faithful, it had been of such value to Philadelphia and Pennsylvania, it had appealed so much to the whole country, that it would have been little less than a disgrace if he had not been allowed to finish his life in the service of his country, which he had served so well in many branches. So he died as a Member of the House of Representatives.

If he had lived from threescore and ten to fourscore, no doubt his constituency would have so valued his services, so loved his personality, that he would have remained to the very latest hour.

Mr. President, it is hard to tell whether the influence of any public man shall be permanent or ephemeral. In the busy life we live, in the whirl of events in which oftentimes the best of deeds are forgotten and the most notable services bring no reward, I can not avoid the conclusion that there is a lasting effect of such a life. He left his impress upon the legislation of his time. He was an example of a man of high character, friendliness, and of loyalty to his country. And now in the future before us the name of HENRY H. BINGHAM will be remembered not alone in the city of Philadelphia, but over a much wider area, as a man of splendid impulses, who rendered the most valuable service to his country.

Mr. TOWNSEND. Mr. President, I am glad to be accorded the sad privilege of adding a brief testimonial of my high regard and esteem for the late HENRY H. BINGHAM. During the eight years that I served in the National House of Representatives I came to know him personally and well. He was a modest man, although his record as a soldier and statesman was such that other men of different mental caliber, had they possessed it, would have capitalized it for great personal notoriety.

He was a gentleman of the "old school," and courtesy was as native to his breast as the great heart therein confined.

I doubt if any man who served with Gen. BINGHAM at any time in his 33 years and more as Congressman ever entertained, even temporarily, an unkind thought of this well-loved Representative. He had no enemies among his colleagues.

At the time of his death he had served longer continuously than any other Member of the Sixty-second Congress. I have not examined the records, yet I quite confidently assert that

but few men in our history have been elected to more Congresses without a break than had Gen. BINGHAM been elected. He was lovingly known as the "Father of the House," and his long, gentle, considerate service entitled him to this distinction. In the last years of his life he did not possess that vigorous energy which through vocal power and parliamentary manipulation sometimes commands attention, but whenever he had charge of an appropriation bill he was given a respectful hearing, and his information of the various items included in the measure was recognized as complete and authoritative.

The records would indicate that his people loved and trusted him. Most of his many elections were practically unanimous. His usefulness as a legislator was not lessened by a requirement that he spend a large portion of his energy in securing a reelection. He could and did devote his time to service. Few districts in the United States were better cared for or received more substantial recognition at the hands of Congress than did the first district of Pennsylvania while he represented it.

Gen. BINGHAM's military record is one of the most attractive made by those loyal men who served their country during the fateful years of the Civil War. It is well that this record of a modest, yet great, soldier be told in order that it may be given the widest circulation possible, not only among statesmen, present and prospective, but also among the people generally, and especially among the youth of the land. It is the story of heroic, patriotic service. It tells of promotions from lieutenant to brigadier general. It discloses medals for gallant service in battle. It reveals pain and suffering in Army hospitals caused by wounds inflicted on the battlefields of Gettysburg, Spottsylvania, and Farmville. It is in fact the story of a real soldier, of a college graduate in 1862 who enlisted in his country's service at a time when it was known that the most terrible conflict of history was on, and that enlistment meant probable danger and death; but it also meant preservation of the Union, the perpetuity of a free Republic. I repeat that this is an attractive phase of the late Congressman's life; but I know the story will be told by his colleagues from Pennsylvania better and more completely than I can tell it, so I simply mention it and pause long enough to say that for such hero soldiers as he was I have the most profound respect, aye, I shall honor them in every possible way while they live, and upon their biers I shall place the sweetest and most enduring flowers of grateful remembrance. For what they suffered and endured, for what they accomplished and established, I owe them much; and my debt to them is the common debt of every American who at this time is enjoying the blessings of liberty and union under a stainless flag.

Congressional life when measured by the hopes and dreams of the tyro in legislation is more or less of a disappointment, but it has its compensations; and chief among them is the real, genuine friendship which comes from association with real, genuine men. I am glad of the experience of eight years of service in the National House of Representatives with HENRY H. BINGHAM, the gentle, courteous, able soldier statesman. He had his frailties, and who has not faults? But his weaknesses did not include dishonesty, disloyalty to country, lack of charity for his fellow men, or faithlessness to high duty.

I do not know what religious views he held, but my acquaintance with him compels me to believe that, having lived more than the allotted span of a remarkably useful life, having met death without terror on many occasions, he did not fear his end. Full of ripened years and conscious, as he must have been, that he had served to the best of his ability his country and his fellow men, he could say with great confidence, as he reached the bounds of life and waited only to embark without human pilot on the uncharted sea:

And so, beside the silent sea,
I wait the muffled oar.
No harm from Him can come to me
On ocean or on shore.

I know not where His islands lift
Their fronded palms in air.
I only know I can not drift
Beyond His love and care.

Mr. OLIVER. Mr. President, no more striking example of the uncertainty of human life can be had than the fact that within the short life of the present Congress the delegation from Pennsylvania has lost 3 out of its 32 Members. Of these 3 the chief, by reason of long service and unusual prominence, was Gen. HENRY HARRISON BINGHAM, who, for a space beyond the average life of man, represented the first district, comprised of a part of the city of Philadelphia. He entered Congress a young, vigorous, active man, who had not yet reached middle age. He died an old man, past the age fixed by the psalmist as the limit of enjoyable human life, and full of infirmities largely resulting from his four years' hard service in defense of his country's existence. He served in Congress side by side with Frye and Reed and McKinley and Carlisle and Randall, and many others whose work did much to shape the destinies of our country in the past generation, in which work he himself took no mean part.

HENRY HARRISON BINGHAM was born in the city of Philadelphia on the 4th day of December, 1841. He was educated at Jefferson College, in western Pennsylvania, where he was graduated in the class of 1862. From the very outset of the Civil War he was anxious to enlist, and he could scarcely wait until his graduating exercises were over to throw aside his cap and gown and don the uniform of a Union soldier, and from the day he enlisted to the day of his death, 50 years afterwards, his whole life, with the exception of two intervals of a few months each, was spent in the service of his country or his State. His career as a soldier was exceptionally brilliant. At the outset he was made the first lieutenant of his company, which was largely composed of his college associates, and from that rank he rose through all the grades until, on the 9th of April, 1865, two days after he was wounded at Farmville, he received the brevet rank of brigadier general. He was awarded the medal of honor for distinguished bravery on the field of battle; and he carried to his grave the scars of three wounds received upon three notable battlefields—at Gettysburg in 1863; at Spottsylvania in 1864; and at Farmville in 1865.

Gen. BINGHAM was elected to Congress from the first district of Pennsylvania in 1878, and was reelected 16 times. When he died in 1912 he had for many years held the title of "Father of the House" by reason of the longest continuous service in that body. It is worthy of remark, and shows how Pennsylvanians appreciate honest and able representatives, that this title has for two generations been held almost exclusively by men from that State. Judge Kelley, from the fourth district, held it for many years, and handed it down to Charles O'Neil, of the second, and upon his death it fell to Gen. BINGHAM. It is now held by JOHN DALZELL, who retires in a few days after 26 years of honorable service.

I first met Gen. BINGHAM at the Republican national convention which met in Philadelphia in 1872 and nominated Gen. Grant for reelection. He was a delegate to that and to every succeeding national convention during his lifetime, with two exceptions. He was always a delegate to State conventions, and it was usually his task to draw up and read the platform of principles adopted at those gatherings. He was a ready writer and an accomplished and convincing public speaker. His voice was like a clarion, and without perceptible effort he could make himself heard at the farthest limit of any assembly.

As a soldier, Gen. BINGHAM's record, while paralleled by many, is excelled by none made by the young men of the North who in the days of the sixties responded to their country's call and counted their lives as nothing that "government of the people, by the people, and for the people might not perish from the earth." As a servant of the people he was wise, diligent, and unselfishly faithful, and until age and infirmity overtook him his voice was potential in the councils of his party and of the Nation; but to those who knew him well he will be remembered not alone for his merits as a statesman, or even for his matchless record as a soldier of the Union, but rather more for the gentler attributes which dominated his character and marked his intercourse with all men. He was a splendid example of that almost extinct class, the "gentleman of the old school." Fastidious in his apparel, clean himself in body and mind, he abhorred all that was either physically or morally unclean. Somewhat formal in demeanor, but never discourteous to any man, be his station high or low, he was at all times and under all conditions a typical American and a Christian gentleman.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE KIPP.

Mr. PENROSE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative GEORGE W. KIPP.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 25, 1913.

Resolved, That in pursuance of the special order heretofore adopted the House proceed to pay tribute to the memory of Hon. GEORGE WASHINGTON KIPP, late a Representative from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a faithful and distinguished public servant the House at the conclusion of the memorial proceedings of this day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.
Resolved, That the Clerk be, and he is hereby, instructed to send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I submit the resolutions which I send to the desk, and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Pennsylvania will be read.

The resolutions (S. Res. 481) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. GEORGE WASHINGTON KIPP, late a Member of the House of Representatives from the State of Pennsylvania.
Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.
Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PENROSE. Mr. President, Hon. GEORGE WASHINGTON KIPP was elected as the Democratic candidate in a district in Pennsylvania which was nominally Republican. The district is a famous one, containing as an important part of it the county of Bradford which David Wilmot represented in Congress and wherein Galusha A. Grow was born and later on represented it in Congress. Mr. KIPP won his election against an adverse majority by his sterling qualities of manhood, his closeness to the common people, and his ability as a self-made man to impress them.

He belonged to a class of men once foremost in the industries of Pennsylvania, but now passing away with the extinction of the industry. Pennsylvania was once one of the foremost lumber States in the country, and many large and thriving towns grew up in the lumber development which still retain their prosperity, but the activities of which have been drawn to manufacturing and other industries. Mr. KIPP started as a lumberman and mastered every detail of the business. He grew rich and branched out into other business activities. He was a man of rugged honesty and readily made friends. He was generally beloved by the people of his district. His death was a distinct loss to his party and to the country, and the State of Pennsylvania was deprived of a useful and industrious Representative.

I had on numerous occasions frequent opportunity to become intimately associated with Mr. KIPP. I came to admire and respect his sturdy character and his vigorous and manly qualities. Although we belonged to opposite parties, we were able to confer freely and cordially on matters of public interest and concern. All who knew him well have felt a personal loss in his death.

Mr. WILLIAMS. Mr. President, "In the midst of life we are in death." Three Pennsylvanians—Members of the other House—have died since I was a Member of it—HARRY BINGHAM, the father of the House; MCHENRY, and KIPP—all of whom I knew and loved with cause. I shall have opportunity to-day to pay a tribute only to the last named of the three.

GEORGE WASHINGTON KIPP was born on March 28, 1847. He was, therefore, seven years and more my senior, but we became warm, congenial friends, and I think that no stranger would have noted the difference in our ages when we were met together. He carried with him a warm heart and a glad hand, and won me, as he did nearly everybody who came to be thrown with him.

His earliest training was on the farm, where so many men of sound common sense, like Cincinnatus and Cromwell and Washington and other, though lesser, men got their earliest training. He later had the advantages of a common-school education in the very good common schools of his day and section. Still later he became a lumberman, and at the time of his death was the president of a bank in Towanda, Pa., where he spent the last 30 years of his life. His main education, therefore, was in the school of life among men, where hard struggle makes moral, mental, and physical muscle, and where fair struggle brings love, respect, honor, and a troop of friends. In all of his transactions he was single minded—an integer—not duplex. He spoke with a straight and not a forked tongue. He was one of the few self-made men that I have personally known who was not too proud of his self-making job, and who never forgot where and how he started, nor those amongst whom he had won his way. Indeed, the leading social principle that actuated him was that labor has its rights; that those rights must always be accorded, and that where a doubt arises it ought to be solved in favor of the wage earner.

King Solomon said. "He that hath friends must show himself friendly." Mr. KIPP always showed himself friendly, good-natured, amiable, helpful, not only in deeds but in words, and the latter frequently counts more than the former.

He was twice elected to Congress as a Democrat from a district proud of its Republican history—the district which once sent David Wilmot to Congress and at another time Galusha A. Grow. One of his colleagues asked him once how he had managed to succeed in that district. He replied that the chief factor in his success, he thought, was that he had lived there a long time and in many ways had employed many men; and that those whom he had first and last employed had almost always, without exception, not only voted for him, but worked for him. Thus it came to pass that he both grew rich and kept his friends—a thing that does not happen often with many men. He was a Democrat, not only in his political and social philosophy but in his everyday life. He was "as plain as an old shoe" and was accessible to everybody. He was a hard fighter. He believed in his party and its principles and its programs, and as a consequence patriotism was commingled with party service in his mind and heart.

At the close of his first term, after he had been defeated for his second and was here serving out the short session, I asked him what he was going to do. Quick as a flash the reply came, "Come back"; and it was accompanied with grim determination in his jaw and eye. And at the next Congress he did come back.

He was elected first in 1906, defeated in 1908, reelected in 1910, and died during his second term on Vancouver Island, British Columbia, on July 24, 1911.

What he did he did with all his heart, whether it was work or play. No man knew better than he how to enjoy himself with choice spirits around him. By instinct more than by training he loved the old Jeffersonian democratic theory; the corner stone in the structure of which is that organized society or government was made for man, and not man for it; that the only rightful reason for the existence of government is that it may lead to individual training in individual self-government; and that it shall act as a shield and a protector of the natural rights of man, giving to all equal opportunities and to none any law-conferred special advantages, in order that thus men and women may be free, well informed, and happy. He was a loyal, faithful, unswerving friend to his friends; the first to speak excuses for them and the last to voice criticism.

During two years of mutual service in the House of Representatives, where I was parliamentary leader on the Democratic side, I had cause and necessity to note the conduct of Representatives, and, amongst others, his. He was constant in his attendance, "diligent in business," as St. Paul says; brought a splendid and sturdy common sense to bear upon every question confronting us; did not have to be hunted up by the whips when a vote was coming, as is the case with so many Representatives; believed in team work, and did his share of team work cheerfully and constantly. There was that modesty about him which prevented him from lightly coming to the conclusion, when he differed prima facie with a majority of his party, that he must be right and they must be wrong. With his exit from the stage of life there went a modest, sturdy, kind-hearted, genial man, of splendid common sense, unwaveringly honest purposes and fair dealing, who had made the world better by being in it. He was so true that one had to love him.

Mr. OLIVER. Mr. President, GEORGE W. KIPP, a Representative in Congress from the State of Pennsylvania, died at Vancouver, British Columbia, on the 24th day of July, 1911. He served in the Sixtieth Congress, was defeated by a small majority for the Sixty-first, but was again elected to the present Congress.

It was not my fortune to be intimately acquainted with Mr. KIPP, as our contemporaneous service was confined to the earlier months of this Congress; but as one familiar with the public men of my State I did know something of his career. He was not a brilliant man, as that phrase goes, but he was in every way a typical, average American, and his life furnishes an example by no means rare of American possibilities. He was twice elected as a Democrat from a district whose Republicanism was steadfast and unswerving and which in the early days of the party had sent to Congress such Representatives as David Wilmot and Galusha A. Grow. Mr. KIPP carried this district in 1906 and 1910, and in 1908—a presidential year—he was defeated by only 2,000 majority, while at the same election the district gave President Taft a majority of over 8,000 votes. To accomplish such a result a man must be one of two things—either he is a demagogue or he has a strong hold on the respect and affections of the people amongst whom he lives—and Mr. KIPP was no demagogue.

With few or no educational advantages he was early thrown on his own resources, and by diligent application and a capacity

which he soon developed for the handling of large affairs he was able to accumulate what in his time and in his section was considered great wealth. He was modest in demeanor, firm in his attachments, and had to a high degree the faculty of pleasing. His service in Congress, disconnected as it was, was too short to enable him to write his name in large type on the pages of history, and as a matter of fact his modest ambition never aimed at such distinction; but he was a faithful representative of his people, looking out for their interests with great care, and was constant in his attention to the work of the committee to which he was assigned. In his death his district and the country lost a faithful Representative, his neighbors a valued friend, and his State an upright citizen.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE M'HENRY.

Mr. PENROSE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of the late Representative JOHN GEISER MCHENRY.

The PRESIDING OFFICER (Mr. PAGE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions of the House, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 16, 1913.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JOHN GEISER MCHENRY, late a Member of this House from the State of Pennsylvania.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career the House at the conclusion of the memorial exercises of the day shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. PENROSE. Mr. President, I submit the resolutions which I send to the desk and ask for their adoption.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Pennsylvania will be read.

The resolutions (S. Res. 483) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sorrow of the death of the Hon. JOHN G. MCHENRY, late a Member of the House of Representatives from the State of Pennsylvania.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be suspended in order that proper tribute may be paid to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. PENROSE. Mr. President, Hon. JOHN G. MCHENRY represented the sixteenth district in the House of Representatives. He was one of the leading farmers and business men of Northumberland County, in Pennsylvania. He was born on April 26, 1868. After a course at the Orangeville Academy he started on his career. He became a farmer, manufacturer, and banker. He was elected to the Sixtieth Congress and for two succeeding terms by increasing majorities. He was an influential member of the Committee on Appropriations. His farms were under the direct personal supervision of an expert in agricultural science from the State College of Pennsylvania. On these farms he conducted much experimental and demonstrative work. He himself had devoted much study to agricultural questions in their scientific aspects.

Mr. MCHENRY was popular with his constituents, and his political successes in the district were largely owing to his own strength of character and standing in the community. The district had, previous to his election, been sometimes represented by a Republican Congressman. It was his strength with his constituency that turned the district Democratic. He was a good representative of the Scotch-Irish element in Pennsylvania, an element which has contributed so much to the intellectual, industrial, and commercial development of the State. His untimely death was universally lamented in his district.

Mr. OLIVER. Mr. President, on the 27th of December last, after a long illness, JOHN G. MCHENRY, Representative in Congress from the sixteenth district of Pennsylvania, died at his home at Benton, in that State. Mr. MCHENRY was born in the same township in which he died and in which he lived all his life. He had scarcely reached middle age when death overtook him in the midst of a career full of promise of usefulness both as a citizen and a public official. He had received an academic education, and his early inclination was toward the law; but he inherited the care of a large business from his father and was compelled to forego his natural desire for a professional life, in which, from his capacity and his ability, he undoubtedly would have achieved success.

Mr. MCHENRY early developed an interest in politics, and at the time of his death he was a leading figure in the councils of the Democratic Party in Pennsylvania. In 1906 he was elected to the Sixtieth Congress, and was reelected to the Sixty-first and Sixty-second Congresses, each time by an increased majority. His service in Congress was in the highest degree creditable. He was a member of the Committee on Appropriations, and took an active part in the arduous labors of that important committee. He was an active, earnest, energetic Congressman, full of zeal for the interests of his district and his State, and always ready to serve any of his constituents without regard to party. He had the good will of all with whom he came in contact, and no better instance can be had of the esteem in which he was held by the people amongst whom he lived than the following tribute published in one of his home papers on the day of his death, from the pen of one of his employees:

Those who worked for JOHN G. MCHENRY knew him best. Everyday association with him only served to bring out the high lights of his personality, and in stress and storm his hand was the first to reach out in kindliness and material aid.

Friendliness and loyalty to his employees was to him a chief issue, and his jurisdiction was always tempered and guided by the thoughts of their easiest roads and the short and surest way to their happiness and comfort. Mr. MCHENRY never spared expense in the adoption of devices which would ease labor, he conducted his office as regard hours and regulations on a broad and humane basis, and the lowliest among all of his employees could seek him in trouble and be assured of instant and certain assistance. The last clouded months of his life with their ever-increasing burden of troubles, witnessed, by virtue of his illness, a severance of actual affiliation. But the remembrance of his generosity and humanity lived and is now become a legacy which will endure after much else is forgotten.

Mr. President, as a further mark of respect, I move that the Senate take a recess until 8 o'clock this evening.

The motion was unanimously agreed to; and (at 6 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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 22593) 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.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22913) to create a Department of Labor.

The message further announced that the House had disagreed to the amendments of the Senate to 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; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

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

S. 6176. An act for the relief of Gibbes Lykes;

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant; and

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

POST OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the

amendments of the Senate to 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, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRISTOW. The chairman of the committee being absent, I move, in his behalf, that the Senate insist upon its amendments and 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. BOURNE, Mr. PENROSE, and Mr. BANKHEAD conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of 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.

Mr. WARREN. The committee has a few amendments to offer. On page 50, line 7, I move to strike out "$547,640" and to insert in lieu thereof "$562,640."

The amendment was agreed to.

Mr. WARREN. On page 51, line 20, I move to strike out "$1,819,746" and to insert in lieu thereof "$1,834,746."

The amendment was agreed to.

Mr. WARREN. On page 73, at the end of line 14, I move to insert:

For the construction and maintenance of a lodge at the entrance of the national park, for the keeper of said park, at Lookout Mountain, Tenn., $10,000.

The amendment was agreed to.

Mr. WARREN. On page 156, line 17, after the word "assistants," I move to insert "one, at $2,000."

The amendment was agreed to.

Mr. WARREN. I also move to make the total, in line 19, read "$18,500."

The amendment was agreed to.

Mr. WARREN. On page 160, in line 20, after "$100,000," I move to insert "one-half to be immediately available."

The amendment was agreed to.

Mr. WARREN. On page 12, after line 18, I move to insert:

Honolulu, Hawaii, post office, courthouse, and customhouse: To enable the Secretary of the Treasury to pay the amounts awarded in condemnation for the acquisition of additional land for the enlargement of the present site, $125,000, in addition to amounts heretofore authorized to be expended from appropriations for site and building, and the total limit of cost for said site and building is hereby extended accordingly.

The amendment was agreed to.

Mr. POMERENE. On page 176, line 7, after "$100,000," I move to insert, "of which sum $6,000 shall be available to print and furnish to the States report form blanks and to print the proceedings of the National Association of Railway Commissioners in annual convention."

The amendment was agreed to.

Mr. SMOOT. On page 67, line 21, after the word "the," I move to strike out the words "above payment" and insert the word "statement," so as to read:

That the statement shall be audited and approved.

The amendment was agreed to.

Mr. SMOOT. On page 169, after line 13, I move to insert:

Congressional Directory: For expenses of compiling, preparing, and indexing an edition of the Congressional Directory for the first session of the Sixty-third Congress, to be immediately available and to be expended under the direction of the Joint Committee on Printing, $800.

I offer this amendment because of the extra session of Congress, which will compel the issuance of a directory before the regular session.

The amendment was agreed to.

Mr. CHAMBERLAIN. On page 173, after line 12, I move to insert:

Portland, Oreg.: For moving, in the discretion and under the direction of the Secretary of the Navy, weather ball from customhouse to a point where it can be readily seen by the shipping, $500.

The amendment was agreed to.

Mr. CATRON. After line 9, on page 113, I move to insert:

That the sum of $32,000 be, and the same hereby is, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to be expended under the direction of the Secretary of the Interior in the survey and establishing the boundaries of small holding claims in the State of New Mexico now listed in the surveyor general's office of the State of New Mexico, under the provisions of the act of Congress of March 3, 1891, creating the Court of Private Land Claims in certain States and Territories, and the several acts of Congress amendatory thereto.

Mr. WARREN. I will ask the Senator if he has the estimate.

Mr. CATRON. I have the estimate. It was introduced this morning.

The amendment was agreed to.

Mr. LODGE. In line 13, page 177, I move to strike out "$1,200" and insert "$1,400."

The object is to raise the salary $200. It is estimated for; in fact, it has been estimated for four or five years.

The amendment was agreed to.

Mr. BORAH. On page 114, line 24, I move to strike out the figures "$150,000" and insert in lieu thereof "$300,000."

I wish to say that I understand this has been estimated for by the department. The object is to furnish means for the Geological Survey to classify the lands under what is known as the enlarged homestead.

Mr. WARREN. Is the Senator sure that he has offered it at the right place?

Mr. BORAH. I have the place, page 114, line 24.

Mr. WARREN. The subject of that is the gauging of streams.

Mr. BORAH. The gauging of streams and determining the water supply and for the investigation of underground currents and artesian wells. All of that comes under the proposition of classifying these dry lands.

Mr. WARREN. That amount is estimated for, I will be frank enough to say. I had hoped that we would not touch the outside estimates on all these sums, but I shall not raise the point of order.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 114, line 24, strike out "$150,000" and insert "$300,000."

The amendment was agreed to.

Mr. FLETCHER. On page 175, after line 19, I move to insert:

To collect, collate, and publish statistics relating to the turpentine and rosin industry, $10,000, or so much thereof as may be necessary.

Mr. WARREN. Does the Senator desire to offer that at that particular place? As I have it here, it comes under the heading "Interstate Commerce Commission."

Mr. FLETCHER. It is under the Census Office.

Mr. WARREN. Printing and binding.

Mr. FLETCHER. It comes under the Department of Commerce and Labor and has reference to the work of the Census Bureau. There are collections being made of statistics as to tobacco and cotton and other industries. Here is a great industry of turpentine which in 1910 produced the value of $36,000,000.

Mr. WARREN. What I wish first to find out is the number of the page. Perhaps the Senator has a different print of the bill.

Mr. FLETCHER. Page 175, after line 19. That has the heading "Department of Commerce and Labor" just preceding it. The work is in the Census Bureau.

Mr. WARREN. This comes under the Coast and Geodetic Survey. Perhaps the Senator will offer his amendment to go in at the proper place.

Mr. FLETCHER. All right.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. WARREN. I suggest that it go in on page 166, after line 8, with the heading "Census Office."

Mr. FLETCHER. Very well.

The SECRETARY. On page 166, after line 8, insert:

CENSUS OFFICE.

To collect, collate, and publish statistics relating to the turpentine and rosin industry, $10,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. DILLINGHAM. On page 54, after line 2, I move to insert:

For all necessary expenses in connection with the securing of current information regarding the occurrence of epidemics and the prevalence of diseases dangerous to the public health throughout the United States and its possessions, $16,000.

Mr. WARREN. That is regularly estimated for in a later estimate, and we have a very urgent letter requesting it from the department. I accept the amendment.

The amendment was agreed to.

Mr. SMITH of Arizona. On page 167, after line 4, I move to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $71,000, to be paid to the following-named persons in the amount specified to each, for injuries sustained by shots fired across the American boundary line by soldiers and revolutionists on the Mexican side of the line in the year 1911, to wit: Adolfo Varela, of El Paso, Tex., $3,000; Virginia Moorhead, of El Paso, Tex., $3,000; Abundio Soto, of El Paso, Tex., $4,000; Edwin G. Heaton, of El Paso, Tex., $2,000; Celia Griffiths, of El Paso, Tex., $15,000; A. R. Chandler, of El Paso, Tex., $12,000; Emma Larson, of Douglas, Ariz., $1,000; Elmer E. Crowe, of Douglas,

Ariz., $5,000; Francis F. Williams, of Douglas, Ariz., $5,000; John W. Keate, of Douglas, Ariz., $5,000; Joseph W. Harrington, of Douglas, Ariz., $15,000; William R. White, of Douglas, Ariz., $2,000.

Mr. WARREN. Of course if that is to go in it will not need the appropriating clause. I think I shall have to make a point of order on it, but I should like to hear from the Senator what he knows regarding the circumstances.

Mr. SMITH of Arizona. I hope the Senator will not make the point of order. It is not subject to it, to start with. The Senate has already passed it as a separate bill. The House of Representatives has already favorably reported the bill. In order to get the bill through at this session it is necessary that it shall go on this particular appropriation bill.

Mr. WARREN. It is clearly a claim, but if the Senator will ask unanimous consent I shall be glad to accept it.

Mr. SMITH of Arizona. I ask unanimous consent.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent to submit the amendment which has been read. Is there objection?

Mr. FALL. Allow me to offer a little additional information to the chairman of the committee in addition to what the Senator from Arizona has said. All these claims were investigated under a resolution of this body by officers designated in the resolution. They have all been reported, and reported favorably. This is the report of the committee embodied in a bill which has passed the Senate.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. WARREN. I understand the amendment was adopted by unanimous consent.

The PRESIDENT pro tempore. It was agreed to without objection.

Mr. GAMBLE. On page 100, after line 11, I move to insert "For combined chapel and amusement hall, $37,500."

Mr. WARREN. I shall have to ask whether we have an estimate for that. I beg pardon; there is an estimate for it—I remember now.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CHILTON. On page 123, after line 24, I move to insert:

For the removal of the college women's dormitory and the construction, equipment, and furnishing of a new dormitory to replace it, including necessary repairs or replacement of walks and grading of grounds adjacent to said dormitory: *Provided*, That not more than $3,000 of the above amount may be used for erecting or renting temporary quarters for the use of those usually housed in said dormitory: *And provided further*, That this sum be made immediately available, $85,000.

Mr. WARREN. That matter had serious consideration. It is really estimated for. Of course there is a crying need for it. I dislike very much to enlarge the amounts in this bill, but I shall not object to the amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. CURTIS. On page 103, after line 4, I move to insert:

Bridge at Fort Riley, Kans.: For the construction of a steel bridge across the Kansas River at Fort Riley, Kans., to render accessible the drill ground for the Cavalry at Smoky Hill Flats, $50,000.

The amendment was agreed to.

Mr. BRADLEY. I offer an amendment to come in at the end of the bill.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of the bill it is proposed to insert:

To carry into effect the provisions of Senate bill passed April 2, 1912, providing for the celebration of the semicentennial anniversary of the act of emancipation, and for other purposes, $250,000.

Mr. WARREN. I am somewhat afraid we are going to overload this ship of ours, but since we have enlisted for that kind of work I shall not object.

Mr. WILLIAMS. Is there an estimate for this?

Mr. BRADLEY. Mr. President, there is no estimate necessary for it. This is an appropriation which is largely in the hands of the officers of the Government, to be paid by them, and the amount is fixed in the amendment. No estimate can be made. It is impossible to make an estimate.

Mr. WILLIAMS. Has the bill passed?

Mr. BRADLEY. Yes; it passed the Senate.

Mr. CRAWFORD. Mr. President, I am seriously thinking of offering an amendment providing an appropriation to carry on county fairs at every county seat in every county in the United States. I must say that this business of appropriating a quarter of a million dollars for the Knoxville Exposition and for this and for that is coming pretty swift.

Mr. BRADLEY. Mr. President——

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

Mr. CRAWFORD. This is a sort of outburst of the flood that is coming in here of exposition money. I think it is about time to stop it, for one session at least.

Mr. BRADLEY. Yes; but I think the outburst is on the part of my good friend. I have been trying to get this appropriation approved for some time. The Knoxville Exposition bill has never passed the Senate at all. The proposition came here and went on the bill by unanimous consent, while my amendment has passed the Senate in the shape of a bill, and my distinguished friend voted for the bill.

Mr. BRISTOW. I want to call the attention of my Kentucky friend to the fact that the Knoxville proposition did not pass by unanimous consent, for I distinctly twice voted against it.

Mr. BRADLEY. I beg the Senator's pardon if I have misrepresented him. I do not believe he ever consents to anything. [Laughter.]

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Kentucky [Mr. BRADLEY].

The amendment was agreed to.

Mr. WORKS. Mr. President, I move to amend by striking out the paragraph commencing in line 22, page 123.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out the paragraph commencing on page 123, line 22, as follows:

For repairs and improvements to the Patent Office Building, as set forth in Senate Document No. 543 of the Sixty-first Congress, all of the work to be done under the supervision and direction of the Superintendent of the Capitol Building and Grounds, and to be immediately available, $220,000.

Mr. WARREN. Mr. President, I hardly know what the Senator's object is; perhaps he will tell us.

Mr. WORKS. If the Senator will bear with me a moment, I will explain to him what my purpose is. It will be seen that this paragraph provides for repairs and improvements in the Patent Office as set forth in Senate Document 543, Sixty-first Congress. I move to strike out this portion of the bill not because I do not appreciate the fact that additional room is necessary for the work of the Patent Office—I think it is necessary—but I seriously object to furnishing that room in the way provided in this paragraph. If Senators will refer to the document indicated, it provides how these improvements shall be made. I read from Senate Document 543, Sixty-first Congress:

Tentative plans have been prepared looking to the erection of an addition to the building, it being proposed to locate such addition in the court of the Patent Office Building. The plan contemplates moving the mass of earth in the court which is held there by retaining walls some 12 feet high. The moisture from this earth has for years percolated through the retaining walls into the rooms abutting on the court, which resulted in damaging everything put in them, including a large number of books, which were found to be rotted and soaked with water. There were removed to the Government Printing Office something like 200 tons, I understand, from these rooms about two years ago, since which time nothing of any great value has been stored there.

The doing away with this great mass of earth and the retaining walls will bring the large space in the court of the buildings on a level with Ninth Street, and by erecting a one-story building covering the entire court, constructed of metal and glass, there will be afforded housing for the 1,000,000 bundles of patents now stored all over the building from cellar to attic, and furnish storage for the natural increase of patents, which requires 100 linear feet a week at a height of 7 feet to store. The present available space for storing weekly issues of patents at this rate will be exhausted before the expiration of the next fiscal year.

To this point probably this construction would be unobjectionable, but a further plan is provided:

In addition to this proposed one-story structure, it is contemplated to erect in the center of the court a building 80 feet wide, 4 stories in height, with a central hall 10 feet wide, giving 32 rooms 17 by 35 feet, which would accommodate comfortably 17 divisions and very nearly 300 employees.

The proposition is, Mr. President, to practically close up that inner court. It is well known that the building is so constructed that there is a corridor running entirely around the building, with rooms on each side of it, some of them being inside rooms and facing on the court. The result of it is practically to close up those rooms and deprive them of necessary ventilation, air, and light, and to make them rooms which no one ought to be expected to inhabit and work in. I think it would be a great mistake to carry out this plan. I understand, Mr. President, that it is likely this building, the dimensions of which are given, will not fill up the court entirely, but the building has little enough ventilation as it is now, and there is complaint about it at the present time. As it was originally constructed, I understand there were openings left at each corner of the building so that the air could circulate through the building through this inner corridor, but even those spaces have been filled up by rooms, shutting off that means of ventilation, and now it is proposed to build in the court. I

think Congress ought not to do anything of that kind. We know here something about what it is to work inside of a box. Employees of the Government ought not to be expected to work in a place of that kind. Personally, of course, I have no interest in the matter; but I sympathize with anyone who is expected to perform labor under such circumstances.

I do not know how far the committee has investigated the plans that are provided, but certainly some investigation ought to be made of the matter. I am morally certain, Mr. President, that additional room is necessary, and I believe thoroughly in the construction of buildings here in Washington that will accommodate the employees in doing the necessary work. I think it is a great mistake that the Government should be paying rent for buildings, when buildings can be constructed by it; but I do not believe that the money of the Government ought to be expended in any such construction as this. It is for that reason that I am calling attention to it by a motion to strike out that particular appropriation.

Mr. WARREN. Mr. President, I am sorry the Senator has not given the matter of which he speaks more attention, and that he has not seen the plans. It is a matter that has been thoroughly considered by the committee at this end of the Capitol, and also by the committee at the other end, for the last two or three years. I have personally looked over the plans and been over the ground. I have conversed with the chiefs of various offices, as well as with the heads of bureaus.

The manner in which this building is to be constructed will give great relief and do away with the condition which has been described as existing there—that of moisture continually collecting in the earth there and oozing through the walls of the building. All this earth should be taken out. That building was put on a different grade from that now established on the surrounding streets. The consequence is that in that great interior court, which is larger in itself than most buildings, the rain and snow collect, are not promptly removed, and then ooze through the soil into the walls of the building. It is proposed to take that earth out and strengthen the walls where they should be strengthened on a part of that building, and to give light and air to basement or first-story rooms that now have one dark side.

Mr. WILLIAMS. Mr. President——

Mr. WARREN. If the Senator will allow me, the building that is to be constructed there will be so small, with reference to the whole building or inside court, that there will be a good open space or court all around it. It will not take the air or the sun from any of the rooms.

Last year I took up the matter and we put the provision into the bill on this side of Congress. When we met in conference the chairman of the Appropriations Committee on the other side and his associates said, "If you will let this provision go out this year, we will give it our personal attention, and, if it is thought to be the best thing to do, we will put it in the bill next year." They have given it study; they have been there personally; they have looked over the situation; and they have recommended this provision, of which I fully approve.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Wyoming if it is also contemplated to remove the earth that is heaped around the building outside, between the building and the street, on the F Street side and on the Seventh Street side?

Mr. WARREN. That is not contemplated in this particular amendment.

Mr. WILLIAMS. Well, it ought to be.

Mr. WARREN. The Senator is perfectly right.

Mr. WILLIAMS. Because if that is taken away it will give large windows down there, and give them outside ventilation. The earth that is heaped around outside will have the same effect as the earth that is heaped inside the court. I would suggest to the Senator that it would be well to amend the provision sufficiently to include the removal of the earth outside, so as to reduce the lot itself fronting on the streets to the grade of the streets.

Mr. WARREN. The trouble is that we have no estimate yet and do not know the amount that would be required.

Mr. WILLIAMS. Well, but if you include that in the present appropriation, you can probably do it all about as cheaply as part of it, if you do it all at once, or very nearly as cheaply at any rate, and you can have a basis for the future for a deficiency appropriation, if necessary. You can not altogether relieve the moisture there by removing the earth on the inside of the court; you will have to remove it on both sides.

Mr. WORKS. Mr. President——

Mr. WARREN. If the Senator will permit me a little furthur, I want to bring up another condition here. We had before us a year ago the scientists and physicians who had been examining into the insanitary conditions in our public buildings, and I may say that the situation in that building is simply frightful. In the Patent Office, the large room that had been built formerly for the exhibition of models, is filled from the ceiling to the floor and from side to side with wooden partitions, ladders, and scaffolding, and copies of patent documents are piled up there by the ton. The boys who work there on small wages in that dirt and dust and confined air look as if they had just been taken out of a dungeon where they had spent months. In fact, while on duty they have to have handkerchiefs over their mouths or in their mouths to keep the dust out of their throats, and they are obliged to breathe through the cloth. This provision will give substantial relief. It will greatly benefit this building; and should the bill which we passed last night become a law, an entire new Patent Office will be built later on and the old Patent Office Building will be used for the Interior Department; but this item in the bill will bring early relief and, I think, very efficient relief.

Mr. WORKS. Mr. President, as I said in the beginning, I see no objection to the removal of the dirt or probably the construction of a one story building, because that would probably not interfere with the ventilation or the light. I do not disagree with the Senator from Wyoming with respect to the objectionable condition of things that exist there at the present time. They should be remedied; but I should not want to see conditions made worse than they are now. Of course additional space could be provided by this means, but at the expense, as I think the conditions will show, of the ventilation and light of all the rooms that are there now, and the additional rooms would be equally objectionable. No argument can remove the fact that we are proposing, in part at least, to obstruct and fill up this open court that furnishes the light and air for the people who are working in the building; and I think it is extremely objectionable.

I had very little expectation of being able to remove this appropriation from the bill, but it is the condition of things that I desire to call to the attention of Senators. We had a report from the Secretary of the Treasury a few days ago showing that this Government paid last year $19,800,000 in the effort to preserve the health of the public, and I think we ought to be exceedingly careful not to construct any building that is going to make for more insanitary conditions or help to create disease and discomfort that we are trying to remove.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from California [Mr. WORKS].

The amendment was rejected.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 160, after line 26, it is proposed to insert:

For the construction of a steam vessel for use in connection with the fur seal, salmon, and other fisheries of the Pacific coast, and the equipment of same, $225,000.

Mr. WARREN. Mr. President, I hope the Senator will not press that amendment. It is entirely useless, as I happen to know. We have all we can carry in the bill for the *Albatross* and other matters.

Mr. JONES. Well, Mr. President, I simply press that upon the Senate because from the facts which I have I think the Government ought to get this vessel. The Bureau of Fisheries has charge of the Pribilof Islands and the fur seals in addition to the fisheries of Alaska and the fisheries of the Pacific coast. They must look out for the care of the natives on the Pribilof Islands. In order to do that they have to get an ocean-going vessel and make at least two trips each year to take supplies to those islands and to bring back the furs. In order to do that they must charter a vessel. The Government has no vessel with which to do this work. Last year it cost the Government over $20,000, and it will cost the Government at least $20,000 every year to do this service. That is 5 per cent on a vessel worth $400,000, and it is 10 per cent on a vessel costing $225,000. If the Government had its own vessel, it could not only do that work but it could also do a great deal of necessary investigation in connection with the fisheries of Alaska and the fisheries of the Pacific Ocean. Those are the reasons that have induced me to offer the amendment. I think it is for the benefit of the Government; it means a saving of money to the Government and increased service for the Government.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I should like to ask him how much it will cost to keep that vessel in commission for a whole year?

Mr. JONES. Of course it will cost something, but we will be able to accomplish something with the money. The vessel

can be employed in the investigation of fishery matters in Alaska and on the Pacific coast. It could be there all the year round, where there is need for it, and that need would be served. Those are the facts and those are the reasons why I have presented the amendment to the Senate. If the Senate does not think that is a good business proposition, of course I do not want the Senate to take it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. WILLIAMS. Mr. President, I have in my hand a memorandum of what we are spending unnecessarily on the Pribilof Islands in connection with employees and service. As a part of it, I find a statement to which I call the attention of the Senator from Wyoming in connection with this matter.

Mr. WARREN. I will ask the Senator if that refers to the amendment now pending, offered by the Senator from Washington [Mr. JONES]?

Mr. WILLIAMS. Yes; it refers to it in this way, that it seems to me to render his amendment unnecessary [reading]:

The one revenue cutter which is now on patrol up there, and must be so employed during the next 15 years, or through the life of the present fur-seal treaty act of 1911–12, can and will perform all the services required for transportation of the small annual requisitions for supplies needed on the islands, said requisitions for supplies being annually made to the Secretary of the Treasury by the caretakers of said seal islands. The Secretary then in turn directs his special agents in San Francisco or Seattle to purchase and ship these suplies to Dutch Harbor, Onalaska Islands, by any of the monthly freight lines which now are engaged on that route.

At Dutch Harbor (192 miles southeast of Pribilof Islands) the revenue-marine cutter, aforesaid, can receive and thus transport these supplies to the Seal Islands.

So much of it is pertinent to this particular question, but I desire to have it all read and put in the RECORD for the information of the Senate.

Mr. JONES. I will ask the Senator from whom the letter is, or who prepared the statement he has read?

Mr. WILLIAMS. Lieut. Elliott, who is very well acquainted with the entire fur-seal business.

Mr. JONES. That is the Mr. Elliott whom we have seen once in a while here in the city of Washington, is it?

Mr. WILLIAMS. You have not only seen him, but he has finally won out, and he has finally indicated that he knew more about this business than anybody else, and what he has recommended has been done.

I want that statement read to the Senate, and I want it to go into the RECORD as part of my remarks.

Mr. JONES. I will suggest to the Senator that I do not think we use our Revenue-Cutter Service for the transportation of supplies.

Mr. WILLIAMS. No; not altogether. This paper states that these supplies are bought by the agents, and are transported to a certain place, and are thence conveyed by the revenue cutters to Dutch Harbor, or to the Pribilof Islands, where these caretakers are. I confess I do not know very much about the situation of things up there. I have not been there in a long time. But the reference of the Senator in a slighting way to Lieut. Elliott is a great mistake.

Mr. JONES. Mr. President, I did not intend that in a slighting way at all. I simply asked for information.

Mr. WILLIAMS. The Senator said this man had been lying around here, or something of that kind.

Mr. JONES. Oh, no; oh, no. I did not use the words "lying around" at all.

Mr. WILLIAMS. The Senator said he had been around, then. I do not mean "lying" in the sense of prevaricating, of course.

Mr. JONES. I was simply stating the fact.

Mr. WILLIAMS. Perhaps I misunderstood the Senator, but it seemed to me to be rather that way. He has been here for quite a long time. He went over to the House, and failed for a long time to get a hearing before the Ways and Means Committee; but finally he did get it, and he has impressed his ideas upon the House and upon the legislative branch of the Government.

I merely offer this part of the paper, however, to show that there is no necessity for buying a ship in order to transport things to the Pribilof Islands. I understand the Senator's amendment to involve other transportation problems as well, about which I know nothing; but there certainly seems to be no necessity for it as far as the Pribilof Islands are concerned.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

FACTS AS TO THE BETTERMENT OF THE PUBLIC SERVICE ON THE SEAL ISLANDS OF ALASKA UNDER THE TREATY ACT OF AUGUST 24, 1912, AS ORDERED IN THE PENDING SUNDRY CIVIL BILL.

I. The conditions calling for the public service of four special agents, two physicians, two school-teachers, two storekeepers and bookkeepers, two stockmen, and two janitors, and a naturalist, all detailed for St. Paul and St. George Islands, have been radically changed by the act of 1912, which orders a closed time to all commercial killing of fur seals on those islands for a period of five years from and after the passage and approval of said act, August 24, 1912.

This period of rest from slaughter by man on these islands at once restores the same conditions there which prevailed during the Russian "Zapooska" or "closed time" of 1834–1844. The entire administration of affairs then was devolved upon a single caretaker or superintendent on each island. These men performed all the duties now rendered on both islands by that large staff of idle and useless employees of the Government above itemized; and they did it even better and with more success than these agents of to-day have done and are doing or will do them, if continued.

This salary list of 1912, which is now on the rolls of the Government as agents and assistants thereto on the seal islands of Alaska, amounts to $25,000 annually. This change for the better, as proposed by substituting two caretakers for the two islands, at $2,500 each annually, saves the useless expenditure of $20,000 annually for such service as now done.

II. The act of 1912 also enabled the Government to dispense with two of the three revenue marine cutters which have been annually set apart by the Secretary of the Treasury and employed for the "Bering Sea patrol" for the protection of the fur-seal herd of Alaska on the Pribilof Islands.

The one revenue cutter which is now on patrol up there and must be so employed during the next 15 years or through the life of the present fur-seal-treaty act of 1911–12 can and will perform all the services required for transportation of the small annual requisitions for supplies needed on the islands, said requisitions for supplies being annually made to the Secretary of the Treasury by the caretakers of said seal islands. The Secretary then in turn directs his special agents in San Francisco or Seattle to purchase and ship these supplies to Dutch Harbor, Unalaska Islands, by any of the monthly freight lines which now are engaged on that route.

At Dutch Harbor, 192 miles SE. of Pribilof Islands, the revenue marine cutter aforesaid can receive and thus transport these supplies to the seal islands.

And, also, this cutter can bring down from these seal islands any and all "food skins" which may be taken thereon annually, and ship them in turn from Dutch Harbor to the collector of customs at San Francisco or Seattle; these officials in turn can ship them and sell them to the best advantage of the Government, even better than the officialism now in charge does it.

III. This service, thus rendered by the revenue marine cutter above cited, enables the Government to dispense entirely with that chartered "supply ship" which has been annually engaged as such, up to date, since 1909.

This effects a saving annually of at least $25,000 on that single item alone; that saving plus the $20,000 annually saved on account of cutting off the idle and useless agents specified in item "I" above makes a total saving of at least $45,000 annually to the Public Treasury on those items by substituting those two caretakers and the revenue marine cutter, as above cited.

IV. The Russian caretaker, or "superintendent," during the closed time of 1834–1844, was a man who had a fair knowledge of medicine, who taught the school, and who kept the books necessary for the receipt, distributions, and requisitions for annual supplies.

He had no help or assistance of any kind, except as volunteered by the natives, and he did not need more. He performed all of these duties admirably, as above stated, and then asked for more to do. Surely, an American can do as much now.

V. The conditions on the islands to-day, in so far as natives and the seals are concerned, are precisely as they were in 1834–1844, and when the Russian "zapooska," or closed time, was in effect. The natives are the same quiet, docile, inoffensive people, and fewer in number. They require no "regulation" by our agents. The simple administration of their small affairs up there has been always done by their church organization, which will continue to do so and is self-supporting.

VI. The seal herd is protected from any piracy by the revenue marine cutter, which will be on patrol around these Pribilof Islands during the next 15 years. Beyond that survey by man, the less it is viewed and experimented upon by idle agents and raw "naturalists" the better for it.

VII. The committee proposes, therefore, to let those natural laws, which alone govern the best existence of this wild fur-seal life, have free and unchecked action during the next five years. The past bitter experience of meddling agents and "expert" naturalists has been of nothing but positive harm to that life.

VIII. The treaty act of 1912 also orders and specifies that during any period of complete suspension of commercial taking of seals on the Pribilof Islands, that the annual sum of $10,000 shall be paid to the Government of Japan, and a like sum, annually, to the Government of Great Britain. Therefore, to meet that obligation, the committee estimates for it, as below itemized, in the lump sum of $75,000, appropriated, to wit:

For salaries of two caretakers, at $2,500	$5,000
For native subsistence, fuel, clothing	35,000
For treaty award to Japan	10,000
For treaty award to Great Britain	10,000
For freight charges and incidentals to sale of food skins	15,000
Total sum	75,000

NOTE.—The food skins of the seals, which are to be preserved and sold annually (some 2,000 of them), will bring in the gross sum of at least $50,000 in seasons of dull trade, and as much as $75,000 annually in seasons of brisk trade.

HENRY W. ELLIOTT.

WASHINGTON, D. C., *February 28, 1913.*

Mr. JONES. I never supposed when I offered my amendment that because it referred to the fur seal I would bring up all this fur-seal controversy. I notice that what our friend Mr. Elliott says there does not relate to this matter at all, but to the general administration of things up there.

Mr. WILLIAMS. If the Senator will pardon me——

Mr. JONES. Oh, I know he refers to the matter of transportation.

Mr. WILLIAMS. That part of it which I read does relate to it. The balance does not.

Mr. JONES. I understand that.

I want to say that I did not intend to refer in any slighting way to Mr. Elliott. I have met him quite a number of times, and have gotten well acquainted with him and think a great deal of him. I am aware that he knows more about the fur-seal industry itself—not the transportation feature, but the fur-seal part of it—than any man with whom I ever came in contact. I am always glad to meet him and glad to get information from him with reference to these matters.

I have here a letter from the Commissioner of Fisheries that I shall ask to have printed in the RECORD without reading, in connection with this matter, showing the necessity of this amendment. As I said, as a matter of fact we are paying out $20,000 a year for ships to make two trips up there. If we ought not to do that, why, of course, we ought not to do it; but we are doing it, and I am of the opinion that we will probably keep on doing it.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, February 19, 1913.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SENATOR: In the estimates of the Bureau of Fisheries for the fiscal year 1914 there was included an item of $225,000 for an ocean-going vessel for work on the Pacific coast. This item was not included in the sundry civil bill as reported to the House by the Committee on Appropriations.

This was recommended for the following reasons:

(1) Now that the bureau is charged with the supervision of the fur-seal herds and the care of the natives on the Pribilof Islands, it is necessary to send a vessel at least twice in each season to the islands to carry supplies for the inhabitants and bring down the fur-seal skins.

(2) Experience has proved that it is impossible to charter a suitable vessel for less than $20,000 per season, and that it is impracticable to obtain one from other branches of the Government. Last year the cost of the charter was $20,025. Therefore it seems eminently advisable to construct a vessel which will not only be available for the above purposes but can be utilized in conducting deep-sea investigations and studies of the fisheries of the Pacific coast, including Alaska. Considering the immense coast line of the United States on the Pacific, and the fishery interests thereof, the necessity for a suitable steam vessel would seem to be obvious.

(3) The *Albatross* is not adapted for this work, having been built for oceanographic investigations and lacking storage capacity. If the new vessel is authorized it is my purpose, after she is built and equipped, to transfer the *Albatross* to the Atlantic coast where the latter can be utilized to great advantage and fill a long-felt want.

I beg to call this to your attention, and express the hope that you will do what you can consistently to secure the appropriation.

Yours, very truly,

GEO. M. BOWERS, *Commissioner.*

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington [Mr. JONES].

The amendment was rejected.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 37, after line 19, it is proposed to insert:

That so much of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as provides as follows, to wit: "No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress," be, and the same is hereby, repealed.

Also, in lines 24 and 25, on page 37, it is proposed to strike out the words:

Not exceeding seven cadets and cadet engineers, who are hereby authorized.

Mr. WARREN. Mr. President, last year we provided, apparently without any protest, that there should be no more cadets. In this bill as it comes from the House they have provided that there shall be not exceeding seven. Of course it is clearly legislation, or rather it is a repeal of legislation. I should think, even aside from that, that it would be safer to accept the seven we have and start from there, rather than to undertake to repeal the entire law.

Mr. BRANDEGEE. Mr. President, of course I admit that the amendment is subject to the point of order if the Senator desires to make it. I have considerable literature here that I want to inform the Senate about in relation to the matter. I do not want to inflict it on the Senate, however, if the Senator will allow the amendment to go on the bill and simply consider it in conference. It involves no appropriation. It requires no estimate. It involves the continuance of a school for Revenue-Cutter cadets which is established in my home city. The legislation was put into the bill at the last session, and I have been trying ever since to find out what induced it to be put in. I have not been able to get any information on the subject.

I introduced a bill and referred it to the Senate Committee on Appropriations. I tried to proceed in the regular way, in a legislative way, but it was not reported. I make no complaint about that, however.

Mr. WARREN. Does the Senator say he sent his bill to the Committee on Appropriations?

Mr. BRANDEGEE. Why, certainly; I sent it to the Committee on Appropriations at the Senator's own suggestion, and also to the Committee on Commerce. I have not been able to get any information about why this legislation was ever enacted. The effect of it is to close down this school, which has just been established in my town within the last two or three years, having been moved up from Arundel, Md.

I have all the facts here. I do not want to delay the Senate by having read a lot of letters and resolutions and reports of the Secretary of the Treasury recommending the repeal of this provision. I have them all here. All I ask the Senator to do is to let it go on the bill, and find out from the House why they insist upon this. If it is not thought to be a good thing to do to repeal it, I shall not protest against the conference report. I simply ask the Senator to consider it.

Mr. WARREN. Mr. President, it becomes the duty of Senators, in conducting these bills, to resist legislation as far as possible. We know that last year we were subjected to a great deal of legislation in appropriation bills, of which the measure the Senator speaks of was part. If no one else makes the point of order, I am tempted to let it go on the bill and be considered in conference, and then it can be taken out unless there is an acquiescence on the other side with the wishes and request of the Senator who is presenting the case. I understand the Senator to say he has a large amount of material there.

Mr. BRANDEGEE. I have, and I have the recommendation in the annual report of the Secretary of the Treasury that this legislation never ought to have been enacted, and he advises its repeal. I have introduced a bill to repeal it. In the press of business the Senator's committee has not had time to consider it. Then I went before the committee and left the papers with the Senator's clerk, at his suggestion, with the request that the matter be considered as an amendment to the bill. In the great mass of subjects before him I do not know whether he has had a chance to consider it or not. I take this method of trying to get the House conferees to consider it, at least. That is all I ask. It does not involve a dollar of expense.

Mr. WARREN. If no one else objects, I shall not object. Let it go into conference.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

Mr. BRANDEGEE subsequently said: I want to have inserted in the RECORD, in connection with an amendment which I heretofore submitted, certain papers, which I send to the desk.

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

The papers referred to are as follows:

APPOINTMENT OF CADETS IN REVENUE-CUTTER SERVICE.

Letter from the Secretary of the Treasury, recommending the repeal of that clause in the sundry civil appropriation act for 1913 which provides that "no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress."

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 21, 1912.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to recommend for the consideration of the Congress the repeal of that clause in the sundry civil appropriation act for 1913 which provides that "no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress."

From July 1, 1911, up to the present time the following vacancies in the active list of the Revenue-Cutter Service have occurred: Six resignations, 3 deaths, and 6 retirements. During the remainder of the current fiscal year there will be 1 retirement for age. This makes a total of 16 vacancies in the commissioned personnel to be filled during the current fiscal year, over half of which have been caused by death or resignation.

There are at present 18 cadets undergoing instruction at the School of Instruction at New London, Conn. Of these, 13 will fill vacancies which existed prior to July 1, 1911, so that there are at present but 5 cadets available to fill the vacancies which have occurred since July 1, 1911. There remain, therefore, 11 vacancies that can not be filled because of the foregoing provision of law.

The total number of officers authorized by law is 242, and in such a small number the existence of 11 vacancies which can not be filled under the law, with every prospect of additional vacancies from death and resignation, is a serious condition, and if the inhibition of further appointments of cadets continues the efficiency of the service must of necessity suffer because of an insufficient number of officers to perform the duties required.

Even after Congress has authorized the filling of these vacancies by appointment of cadets time must elapse before these cadets can complete the course of instruction necessary to prepare them for the responsible duties of commissioned officers, and meanwhile additional vacancies will occur. It is therefore important that the task of preparing young men to be officers should not be interrupted, because the future efficiency of any service depends most upon the quality and training of the young men selected to fill the vacancies in the lowest grades, and the duty of recruiting the commissioned personnel of a service is a most serious one, second only in importance to the duty of performing the work for which the service itself is maintained.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

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TREASURY DEPARTMENT,
UNITED STATES REVENUE-CUTTER SERVICE,
New London, Conn., February 19, 1913.

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.

SIR: Referring to your favorable consideration of the proposition to repeal a provision in the last sundry civil bill which prevented the Treasury Department from making "additional appointments as cadets or cadet engineers in the Revenue-Cutter Service unless authorized by Congress," I have the honor to call your attention to the action of the Appropriations Committee of the House of Representatives in providing for the appointment of "seven cadets and cadet engineers" during the next fiscal year. While this shows a favorable spirit in the House committee, it does not, as you will understand, quite cover the needs in the case, since there are now 10 vacancies, and there will be more within the next year. You have kindly introduced a bill for the repeal of last year's provision, and I hope that you may feel that you can, through the chairman of the Appropriations Committee in the Senate, have your bill for the repeal of the provision for the nonappointment of cadets inserted in the sundry civil bill. I think you are aware that this would be agreeable to the citizens of New London, and it would be greatly appreciated by the Revenue-Cutter Service.

This matter has been brought to the attention of Senator OWEN, of Oklahoma, who has stated that he will call it to the attention of the Appropriations Committee when the sundry civil bill is taken up for consideration, and if you could confer with him it might be brought to the favorable consideration of the Appropriations Committee in the Senate and inserted in the sundry civil bill.

Thanking you for your interest in the matter, I am,

Respectfully,

W. V. E. JACOBS,
Captain, United States Revenue-Cutter Service, Superintendent.

—

Resolutions of the Board of Trade of New London, Conn.

Whereas there was enacted by Congress in the last sundry civil bill the following provision: "No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress"; and

Whereas should this provision continue in force it would result in closing the school of instruction at New London; and

Whereas the Secretary of the Treasury in his recent annual report has recommended that the above-quoted provision be repealed during the present session of Congress, in order that the Revenue-Cutter Service may obtain its officers as heretofore: Be it

Resolved, That this body bring to the attention of the Senators and Members of Congress from Connecticut the desirability of the repeal of the provision prohibiting appointments as cadets and cadet engineers in order that the school of instruction may be continued at New London, Conn., for the purpose of educating these cadets for commissions as officers in the Revenue-Cutter Service; and be it

Resolved, That the Senators and Members of Congress from Connecticut be requested, and are hereby requested, to use their active interest in inserting in the sundry civil bill, which is being considered at the present session of Congress, the following provision: "That portion of the sundry civil appropriation act approved August 24, 1912, which provides that 'no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress,' is hereby repealed"; and be it

Resolved, That a copy of these resolutions be sent to each Senator and Member of Congress from Connecticut, urging them to use their efforts in effecting this desired legislation for the continuance of the school of instruction at New London.

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Memoranda relative to the United States Revenue-Cutter Service and its school of instruction.

The cadet school of instruction was established about 35 years ago (1877) at New Bedford, Mass. The academic course was given to the cadets during the winter and the practical course was given during the summer months, when the practice cruise was taken, and this system is now followed. The institution remained at New Bedford, graduating class after class of cadets, until 1891. In this year the policy was adopted at Washington of appointing graduates from the United States Naval Academy. This policy continued for four or five years, 13 graduates from the Naval Academy having been appointed during that period, but it was discontinued because of lack of available graduates.

In 1894, however, the school of instruction was again established at New Bedford, Mass., where it continued for two years. The practice ship *Chase* was then sent on a cruise, which continued throughout the whole year, the academic and practical courses being given at the same time. This plan continued for about four years, when the school of instruction was located at Arundel Cove, South Baltimore, Md. From 1899 until 1910 this institution graduated its cadets from its school of instruction at Arundel Cove, Md.

In the autumn of 1910 the school was removed from Arundel Cove, Md., to Fort Trumbull, New London, Conn., where it has since been established, and from which during the last two years 32 cadets have been graduated and commissioned as officers in the Revenue-Cutter Service.

Appointments as cadets and cadet engineers in the Revenue-Cutter Service are made by a strictly competitive system through written examinations. These examinations are held under subboards of officers on the Atlantic, Gulf, and Pacific coasts and on the Great Lakes. The appointments are made from the results of these examinations, the vacancies being given to those who obtain the highest averages in the examinations and irrespective of any outside influences. It will thus be seen that appointments are open to the youth of the whole land, and that the School of Instruction is thus a truly democratic institution.

The course of instruction covers three years and includes the following departments:

1. Discipline.
2. Seamanship.
3. Navigation.
4. Ordnance and gunnery.
5. Mathematics.
6. Engineering.
7. Law.
8. English and history.
9. Modern languages.
10. Hygiene.

The subjects under these departments include general conduct of cadets and general conduct of an officer, seamanship, theoretical and practical; signals, international, wigwag, and wireless telegraphy; navigation and compass compensation; astronomy, algebra, descriptive geometry, analytic geometry, trigonometry, and calculus; English composition, general history, rhetoric, and official letters and reports; civil government, navigation law, international law, military law, and service regulations; lectures on hygiene, first aid to the injured, and resuscitation drill; French grammar and conversation, French literature; gunnery, drill regulations, and ballistics; steam engineering, mechanical drawing, and naval architecture and surveying.

The work of the Revenue-Cutter Service is well known to include the following: The protection of the revenue; the suppression of piracy; the search for wrecked and missing vessels; the enforcement of the neutrality laws, by preventing expeditions against neighboring and friendly Governments; the suppression of mutiny; the protection of the Government timber reserves; the inspection of life-saving stations and the drilling of life-saving crews; the enforcement of laws and protection of property in Alaska; the destruction of derelicts menacing navigation; the rendering of assistance to vessels in distress and aiding the shipwrecked; the enforcement of navigation laws and of the quarantine regulations; the care for the safety of the public at yacht races and regattas; the supervision of anchorages in certain harbors; the protection of certain fisheries; and the defense of the country in time of war.

A reference to only two recent incidents in the work of the Revenue-Cutter Service will attest its value to the country, in citing the splendid work of the revenue cutter *Gresham* at the loss of the steamship *Republic*, and a very recent rescue of 58 passengers by the revenue cutter *Seneca* from the steamship *Turrialba*, which was stranded off the New Jersey coast on December 24, 1912.

These two reasons are but a small part of the results of the activities of the Revenue-Cutter Service, the totals of which are such as to call for the continued education of the cadets at the School of Instruction for carrying on in the future the protection of the maritime interests of the country.

The following extracts from the annual report of the Secretary of the Treasury for 1912–13 are herewith quoted: "I wish to call attention to the provision in the sundry civil bill of 1913, as follows: 'No additional appointments as cadets or cadet-engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress.'"

At the present time there are 10 vacancies in the commissioned personnel, the total numbers of officers authorized by law is 242, and in such a small number the existence of 10 vacancies, which can not be filled under the law, with every prospect of additional vacancies from death and resignation, is a serious condition; and if the inhibition of further appointments of cadets continues the efficiency of the service must of necessity suffer, because of the insufficient number of officers to perform the duties required. It is recommended that the above provision in the sundry civil bill be repealed.

In another part of the Secretary's report there occurs the following section:

APPOINTMENT OF CADETS.

"The sundry civil bill for 1913 contains the following provision: 'No additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congres.'

"From July 1, 1911, up to the present time the following vacancies in the active list have occurred: Five resignations, 3 deaths, and 6 retirements. During the remainder of the present fiscal year there will be one retirement for age. This makes a total of 15 vacancies in the commissioned personnel to be filled during the current fiscal year, over half of which have been caused by death or resignation. There are at present 18 cadets undergoing instruction at the School of Instruction at New London, Conn. Of these 13 will fill vacancies which existed prior to July 1, 1911, so that there are at present but 5 cadets available to fill the vacancies which have occurred since July 1, 1911. There remain 10 vacancies that can not be filled because of the foregoing provision of law. If the inhibition of the further appointment of cadets continues, the efficiency of the service must suffer because of an insufficient number of officers to perform the duties required. The total number of officers authorized by law is 242, and in such a small number the existence of 10 vacancies which can not be filled under the law, with every prospect of additional vacancies from death and resignation, is a serious condition, and it is earnestly recommended that the matter be presented to Congress for relief."

It is hoped that the above-quoted provision in the sundry civil bill may be repealed during the present session of Congress, and this may be done by the insertion in the sundry civil appropriation act for the coming fiscal year of the following provision: "That portion of the sundry civil appropriation act, approved August 24, 1912, which provides that 'no additional appointments as cadets or cadet engineers shall be made in the Revenue-Cutter Service unless hereafter authorized by Congress' is hereby repealed." This desired action on the part of Congress can best be brought about, it is thought, by having the above provision inserted by the Committee on Appropriations in the sundry civil bill now under consideration. It is greatly desired that this provision be placed in that part of the sundry civil bill dealing with the appropriation for the Revenue-Cutter Service in committee by the Appropriations Committee.

The effect of the nonenactment of the above provision at this session of Congress will result in closing the Revenue-Cutter Service School of Instruction at Fort Trumbull, New London, Conn., and as under the existing law there is no other provision for recruiting the commissioned personnel of the service, the great work which the Revenue-Cutter Service is doing for the country's maritime interests will be seriously affected.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 120, at the end of line 13, it is proposed to insert:

Provided, That a right of way 100 feet wide for road, telegraph and telephone lines, and for no other purposes, is hereby granted through the Blackfeet Indian Reservation from a point on the line of said reservation north of St. Mary, thence in a northerly and northwesterly course west of lower St. Mary Lake to a point near the east end of Sherburne Lake, by the most feasible route, and that no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said road, telegraph and telephone lines, and when any portion thereof shall cease to be so used, such portion shall revert to said Indian reservation.

Mr. WARREN. I shall have to make the point of order against that amendment, but shall withhold it for the moment.

Mr. McCUMBER. If the Senator will withhold it until he sees what it is for I think he will hardly make the point of order.

We have just provided $188,000 to be used in Glacier National Park. The park is now being gotten in position for the great trade that will manifestly be there during the season of 1915. It is quite essential if we are to use that park, as hundreds of thousands of people undoubtedly will during that summer, that we shall have the appropriation and provision made for the roads that are now laid out and are contemplated to be built.

I call the Senator's attention to this fact—I want him to look at the map, which comes from the department itself—as to the necessity of allowing the road to go through the Indian reservation: For instance, we have the Great Northern Road down here now to Midvale and they have a road already established up to St. Marys. That will be the regular route for tourists. On account of the topography it is necessary to go for about 5 or 6 miles, I think, through the edge of the Indian reservation to go around to the end of this other lake that is mentioned. This is simply to carry out the provisions of the appropriation of $188,000, so that there will be authority for crossing the Indian reservation near the edge there as between those two points.

Mr. WARREN. Let me ask the Senator, Is all that is proposed a right of way in an Indian reservation?

Mr. McCUMBER. Yes; just this part.

Mr. WARREN. Does it start in the park and finally end in the park?

Mr. McCUMBER. Yes.

Mr. WARREN. And on its way passes through the reservation?

Mr. McCUMBER. On its way it must pass through about 5 or 6 miles of the reservation.

Mr. WARREN. Has the matter been considered by the Committee on Indian Affairs?

Mr. McCUMBER. No; but there can be no possible objection to it.

Mr. WARREN. Since stating what I did I find it is regularly estimated here by the department as the Senator has stated it. Of course, I assumed that it was for the purpose of legislating to grant a right of way. I understand that this money has already been paid in here that is to be expended.

Mr. McCUMBER. It does not even direct how it is to be extended, except in order to extend it and extend it properly it must go through a portion of the Indian reservation.

Mr. WARREN. I have no objection to the amendment.

The amendment was agreed to.

Mr. OWEN. On page 122 there was an item that was inserted by the House in regard to the Platte National Park. There was an estimate for the maintenance of the Platte National Park of $8,924. I think it ought to be provided for, and I offer the following amendment. It is estimated for by the department.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 122, after line 5, insert "Platte National Park, for maintenance, bridging roads and trails, $8,924."

Mr. WARREN. I wish merely to state that the Platte National Park has been heretofore provided for. The estimate itself is eight thousand dollars and something. I shall find it in a moment. I presume the Senator has it also.

Mr. OWEN. I will send to the desk the estimate.

Mr. WARREN. It is unnecessary. It seems that the House, in its bill as it was passed, provided, first, the section which we have cut out. In that section it is proposed to cede the park to the State of Oklahoma. Then a paragraph was added providing that if the State did not accept it it was to be sold after a certain length of time to the highest bidder. They then added still another paragraph repealing a clause appropriating $17,500 that had been appropriated in an Indian appropriation bill for sewers, and so forth.

The Committee on Appropriations of the Senate only sought to add what was there printed, and as the striking out on a point of order on the floor of the last two of the three paragraphs left this standing alone we cut it out in order that we might not force it on the State of Oklahoma. Of course I shall accept the Senator's amendment, since it is estimated for and seems necessary under the circumstances.

The amendment was agreed to.

Mr. JONES. On page 112, after line 23, I move to insert as a new paragraph what I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to insert as a new paragraph, after line 23, on page 112, the following:

The fund derived from the act approved July 2, 1864, and the appropriation "Survey within land grants (reimbursable), act of March 2, 1895," is hereby made available for office work upon surveys under these acts in the offices of the surveyors general and in the General Land Office.

Mr. JONES. I have not had an opportunity to call this item to the attention of the chairman, because it just came to my attention. I am satisfied when the Senator understands the situation he will not make any objection to it.

Mr. WARREN. I do object, and I object that at this time in the consideration of the bill I am asked to accept an amendment which clearly changes the law. Is there any estimate for it? There is nothing here before us.

Mr. JONES. I do not know that there is an estimate, but I have a letter here from the Assistant Secretary of the Interior.

Mr. WARREN. We have a great many letters from assistant secretaries, and a great many from secretaries. If we allowed everything that they ask for this bill would carry $200,000,000.

Mr. JONES. This amendment does not appropriate any money. If the Senator will let me explain the situation, I do not believe that he will object to it.

The railroads in the land-grant State put up about half of the money for the surveys of their lands. The lands are not subject to taxation until patents issue to the railroad, and patents do not issue until after the surveys are made and the surveys are approved. At a meeting of our county assessors in Olympia a short time ago they passed a resolution urging the acceptance of the survey, and calling attention to the fact that the surveyor general's office was filled with surveys that were unapproved, thereby preventing the issuance of patents to these railroad lands, and thereby preventing them from being subject to taxation for State purposes. They sent the resolution to the Secretary of the Interior to find out what the trouble was, and this is what the Secretary writes:

The resolution states that many townships in the State of Washington, on which the survey work has been completed, have not been approved for patents by the General Land Office, and this department is petitioned to hasten the approval of the surveys in order to aid settlement and place the land on the tax rolls. You forward the copy and ask for information in regard to the matter.

In reply I have to state that the Commissioner of the General Land Office informs me that the records of his office show the work of examining the returns of surveys sent to that office by the surveyor general for Washington to be practically up to date, and there is no case of surveys which has not been examined and acted upon or is not under consideration. Reports from the surveyor general's office at Olympia indicate that the greater number of surveys which are pending, owing to the office work not being completed, belong to the class of surveys known as railroad surveys; that is, surveys of lands within railroad limits. The force of transcribers and draftsmen in the office of the surveyor general seems to be inadequate to cope with the returns of surveys as fast as they are filed by the surveyors, and the delay which is complained of is caused by this fact.

For a clearer understanding of the matter it may be well to state that the majority of these surveys filed but not yet prepared by the surveyor general are of lands within railroad limits, and a recent decision (Nov. 16, 1912) by the Comptroller of the Treasury prohibits the use for office work of any portion of the fund from which the field work of these surveys are paid, and as the railroad companies are required to deposit a sum sufficient to pay for the expense of one-half of the surveys, there is no fund from which to pay the employment of additional draftsmen and transcribers in the surveyor general's office or in this office.

There is the situation. The local offices where the surveys are filed are swamped with the surveys, and they have not the help to examine the surveys. The fund from which the field survey is made is not available for the payment of this help. All that the amendment that I propose does is to make it available, so that the congestion in the local offices can be met and these surveys approved and patents issued, and the railroad land become subject to local taxation.

It does seem to me that the chairman would not object to remedying a situation like that. I would take care of it by separate legislation if it were possible at this time to do it, but we have not the time.

I wish the Senator would allow the amendment to go into the bill at any rate, so that he can look into the matter a little more fully. This letter is signed by Louis C. Laylin, the assistant secretary. If after investigation the chairman finds it is not needed, I am perfectly willing to allow it to go; but the people of my State and, I think, of other land-grant States would like to have this situation remedied. I am satisfied that

my State is not the only one where surveys are held up because they have not the force in the local office to take care of them. I hope the Senator will allow the amendment to go in the bill.

Mr. WARREN. I received much information from the Senator, and I shall now give him some. We had the matter of surveys before the committee and gave it the most thorough examination. We invited the Secretary of the Interior and his assistants and the Commissioner of the General Land Office to appear before us. They appeared, through their representatives, before the committee. The committees of the House and Senate recommended, I think, about everything, if not everything, that they asked for.

The condition the Senator speaks of is about this: The offices of the surveyors general should be right up to date in their office work and with their field work, up to the time the comptroller's late decision was made, because up to that time the money that came in on deposits from the railroads and other sources was usable at any time in each of the offices for office work, and was so used in most or all of such offices. It is only within a few days that this decision has been promulgated. If it is to go on an appropriation bill, let it be taken up on one of the bills that follow, after we have had some time to look into it. I can not consent to its going on this bill.

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

The amendment was rejected.

Mr. TOWNSEND. I offer the amendment which I send to the Clerk's desk.

The PRESIDENT pro tempore. The Senator from Michigan offers the following amendment, which will be read.

The SECRETARY. On page 36, line 23, after the words "not to exceed $900 each," insert:

Compensation of storekeeper in charge of storehouse of the service at New York City, and the boat-storage house at Monmouth Beach Station, N. J., at such rate as the Secretary of the Treasury may determine, not to exceed $3,000 per annum.

Mr. TOWNSEND. Mr. President, I offer that amendment because of a request from the Superintendent of the Life-Saving Service, Mr. Kimball. The Clerk has a letter from the superintendent, dated the 25th of this month, directed to the Committee on Appropriations, in which he sets forth the reason for this amendment. Briefly I will state what he has said to me:

The storehouse of the service in New York City has until recently been under the charge of the Inspector of Life-Saving Stations, a senior captain of the Revenue-Cutter Service detailed for duty as inspector under provision of law. In effecting certain administrative changes in the Treasury Department, it was found desirable to transfer this officer's headquarters to the department at Washington where he could be in closer touch with this office and with the assistant inspectors located in the several districts, thus facilitating and enhancing the value of his work as inspector. This change necessitated the employment of a storekeeper, and the chief clerk of the storehouse office force, whose thorough familiarity with the duties gained through his 25 years' service, and whose sound judgment and proven ability peculiarly fitted him for this position, was designated as storekeeper. To his existing duties as chief clerk were added the duties and responsibilities involved in the purchase, inspection, custody, and shipment of the greater portion of the supplies of all kinds purchased by the service—all the supplies for the 200 stations located on the Atlantic and Gulf coasts and those stations on the Lake coasts supplied from the New York storehouse, as well as the purchase and inspection of much of those which are purchased under annual contracts from New York and other eastern points for distribution through the two other storehouses of the service. He is required to give bond for the faithful performance of these duties. Inasmuch as the position of chief clerk, with a salary of $2,000—

That is, the present salary—

is merged with that of storekeeper, for which a salary of $3,000 is now sought, the actual cost of the storekeeper would be only $1,000 per annum, as against that portion of the salary and allowances of a senior captain in the Revenue-Cutter Service (approximately $5,500), properly chargeable to this duty when performed by the inspector of life-saving stations, an amount which can not be definitely ascertained, but which far exceeded $1,000. Furthermore, the increase in salary for this faithful and efficient employee of the Government would be fully justified aside from his increased duties and responsibilities.

That is the statement of the Superintendent of the Life-Saving Service in reference to the necessity of an increase of this allowance of $1,000 to the chief clerk, who has assumed the duties of purchasing agent for all the life-saving stations on the Atlantic and the Gulf coasts, as well as a large portion of the supplies purchased for the other stations in the United States.

Mr. WARREN. There is no estimate for it. It is a part of a legislative scheme that I have in my hand, which should certainly have the indorsement of the Committee on Commerce or of those who have charge of such matters. I shall have to make the point of order against the amendment.

The PRESIDENT pro tempore. On the ground that the amendment was not estimated for, the point of order is sustained.

Mr. TOWNSEND. I have another amendment in connection with the same matter, which I presume is subject to the same point.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 37, line 18, after the words "until expended," insert:

Provided, That so much of section 4249 of the Revised Statutes as provides that all life-saving stations shall be erected under the supervision of two captains of the Revenue Service, to be designated by the Secretary of the Treasury and to be under his direction, is hereby repealed, and the plans, estimates, specifications, etc., for all life-saving stations, and buildings and structures connected therewith now or hereafter authorized to be erected shall be prepared in the office of the Supervising Architect, who shall supervise the construction of such buildings and structures. The Supervising Architect shall also supervise the rebuilding and repair of life-saving stations and structures connected therewith, except such work as may be done by keepers and crews of stations.

Mr. WARREN. That is part of the same matter on which I raised the point of order. It is legislation clearly, and it is not estimated for.

The PRESIDENT pro tempore. The point of order is sustained on the ground that it is general legislation on an appropriation bill.

Mr. FLETCHER. On page 54, after line 2, I move to insert the following amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 54, after line 2, insert:

For technical and clerical services and the purchase of equipment and supplies for collecting, maintaining, and making available to Federal, State, municipal, and hospital authorities, and institutions of learning, under such rules and regulations as shall be promulgated by the Secretary of the Treasury, plans and descriptive matter of hospitals, asylums, dispensaries, sanatoria, homes for convalescents, nursing associations, and other agencies for the care of the sick, $6,000.

Mr. WARREN. That seems to be a matter of legislation for which we have no estimate, and as it is a matter of legislation, I shall have to make the point of order.

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

Mr. FLETCHER. Mr. President, I desire to be heard just one minute on the point of order. The chairman very naturally comes to that conclusion on first blush, but I think he will change his mind if he will hear my statement. I introduced a bill——

Mr. WARREN. Mr. President, I do not wish to cut the Senator off if he desires to make his argument on the point of order.

Mr. FLETCHER. That is what I am doing. I introduced a bill to this same effect, and the bill was referred to the Committee on Public Health and National Quarantine. The committee considered the bill, and upon investigation reached the conclusion that the Public Health Service had full authority in the matter, but that all it needed was provision for taking care of the work by the appropriation of a small amount of money. If the chairman will just give me his attention——

The PRESIDENT pro tempore. The Senator from Florida is addressing himself to the chairman of the committee.

Mr. WARREN. And the chairman of the committee is listening to the Senator from Florida.

Mr. FLETCHER. I want the chairman of the committee to understand the process which this matter has gone through. The bill was introduced authorizing the Public Health Service to collect this data and assemble it, to be available to State, Federal, municipal, and other authorities in connection with the hospital service throughout the country. The committee to which it was referred, upon investigating the law giving power and authority to the Public Health Service, found that they already had the power and had the authority to do this. The committee said, "All you need and what you need is some kind of provision whereby the Public Health Service can detail clerks to gather this data and this information." Therefore all that was required was a simple provision appropriating the amount, and the service estimates the amount at $6,000.

When we consider that there is $1,500,000,000 invested in hospitals in this country, we can recognize that it is somewhat worth while that they should be properly constructed, and that the public are entitled to the latest scientific improvements in hospital arrangement, equipment, and construction.

This simply authorizes the Public Health Service to require one or two clerks to gather this data and assemble it here, where it will be available to every city, every community, and every institution, and to the Federal authorities, because it will have to do not only with hospitals, but insane asylums, and the Government is very largely interested in those institu-

tions. It provides for the expenditure of only $6,000 per annum to accomplish this great result, and it is not legislation, because the needed power in that service is already given under the law. All they need is provision whereby they can pay the clerk to do the work.

Mr. WARREN. I make the point of order against the amendment.

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

Mr. FLETCHER. I will not delay the Senate. I only ask the privilege to have printed in the RECORD, without reading, remarks by Dr. S. S. Goldwater, superintendent of the Mount Sinai Hospital, New York City.

The PRESIDENT pro tempore. That order will be made, without objection.

The matter referred to is as follows:

Outline of the remarks of Dr. S. S. Goldwater, superintendent of the Mount Sinai Hospital, of New York City, before the Committee on Public Health and National Quarantine, January 18, 1913, in support of Senate bill No. 4972, a bill to authorize and empower the Public Health Service to collect, maintain, and make available plans and descriptive matter relative to hospitals, asylums, dispensaries, and like institutions, and make provision therefor:

"The wide distribution of authority and responsibility for the care of the sick conceals the magnitude and importance of this social function. Calculated on the basis of the actual provision of beds for the sick in certain municipalities, the United States for its present population needs 500,000 hospital beds, representing about $1,500,000,000 of invested capital, which capital must be renewed at least every 30 years. The average annual capital outlay will therefore be $50,000,000, and the maintenance charges, calculated at $600 per bed, $300,000,000 per annum.

"The figures given do not include the vast field of the care of the insane, for whom 300,000 beds would not to-day be an excessive national provision (there are 33,861 insane patients in New York State hospitals alone); nor do they embrace sanatoria for the treatment of tuberculosis.

"The agencies engaged in this vast work include the United States Government; State, municipal, and county governments; and philanthropic corporations, which for the most part are under the supervision of governmental authority, and which in nearly 40 States are partially supported by public grants. The analysis of the results obtained under various systems and methods of administration is one of the many fields of usefulness open to the proposed bureau.

"It is inconceivable that in this country all hospital work can be placed under central direction, but progress in scientific management would be more rapid and uniform if a hospital-helping bureau were established.

"The National Government has a large direct interest in the subject and needs such a bureau for its own immediate purposes; individual agents of the various hospital branches of the Government are making the same inquiries and doing the same work over and over again. But the bureau would serve a wider need.

"Hundreds of communities are without any knowledge or experience in hospital construction or administration; their efforts to establish hospitals are laborious, clumsy, ineffectual, and costly.

"Many States are without adequate laws on the subject of hospitals. Such laws are generally being adopted, but legislative and administrative officers can only by the most laborious means acquire the knowledge needed for their guidance in drafting the laws.

"The cost of maintaining the proposed bureau would be so small (the necessary office force would be a director, with not more than two or three assistants) that the investment for the Nation would be unusually profitable from every conceivable standpoint.

"In the nature of things there can be no popular clamor for the creation of a Government utility of this kind, but the duty of the Government is none the less plain. Wherever the attention of the press has been called to the matter its support of this proposal has been unqualified and instantaneous."

Mr. MARTINE of New Jersey. Mr. President, I received while here in the Chamber this evening a letter from a very prominent man, a man of large affairs and large property interests in this city, which I ask to have read in reference to a provision in the bill which I shall move to strike out.

The PRESIDENT pro tempore. The communication will be read in the absence of objection.

The Secretary read as follows:

WASHINGTON, D. C., *February 27, 1913.*

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SIR: I desire to invite your attention to H. R. 28775, the sundry civil bill, now before the Senate. I would like to urge that those provisions relating to a central heating and power plant, as found commencing on line 3, at page 54, be struck out. My reasons for making this request are:

1. No attention has been paid to the rights of the District of Columbia. The commissioners have not even been consulted, although the proposition included furnishing light and power for the Municipal Building.

2. The idea of using Great Falls for power purposes has just been made the subject of a report by Army Engineers. It is the consensus of opinion among business and commercial Washington that no action be taken on this central heating and power plant until after the Great Falls report has been printed, that the interested parties may have a chance to become familiar with the proposition.

3. There are many objections to the proposed site: (a) It is too small; (b) it will be bad policy to erect a municipal asphalt plant right alongside of the power plant, thus subjecting the plant to unusual danger from fire and explosion; (c) it would always be in danger should the Potomac rise and overflow its banks; (d) the use and occupation of this site is subject to restrictions.

4. This paragraph of the bill has been drawn defectively.

5. No estimate was furnished by the Secretary of the Treasury at the time the sundry civil lists were made up. The Secretary did recommend that this matter be made the subject of special legislation, and prepared the draft of a bill to be introduced in the House. Last year this matter was presented to the Appropriations Committee of the House in May and to the Senate on July 5. No action was taken by either House. It was not even then included in the list of Treasury estimates.

It seems to me that a proposition of this character should be carefully considered, as suggested by the Secretary of the Treasury, rather than tacked onto an appropriation bill.

Yours, very truly, B. H. WARNER, Jr.

Mr. MARTINE of New Jersey. Mr. President, this bill and the particular feature of it which is mentioned in Mr. Warner's letter carries the sum of $1,494,104. Personally I am in favor of a power plant, and it has seemed to me an infinite waste of power for years that the upper falls of the Potomac have not been harnessed long before this; but I am much impressed with the letter of Mr. Warner. He is a man of large property interests and affairs. It seems to me, inasmuch as the Senator from Wyoming [Mr. WARREN] has declared that this bill is being loaded clear to the gunwales, that here is an opportunity to relieve ourselves. I believe this legislation, as I read it, is hasty and at this time ill-advised. If there is, as there evidently is from the letter of Mr. Warner, a report from the board of engineers of this city on the subject to which he refers, I feel that the Senate should have it in order that they might act intelligently and in harmony with the thoughts that I have expressed and with the letter of Mr. Warner.

I move that all that portion of the bill from line 3, on page 54, and pages 55 and 56, over to and including line 3, on page 57, be stricken from the bill.

Mr. WARREN. Mr. President, I will say to the Senator from New Jersey that this is not a new matter; it is a subject that was considered at great length over a year ago and about which we have sought information through the Architect of the Capitol and through the Treasury Department. I have conversed, I might say, for almost hours with the Secretary of the Treasury concerning the great economy of a heating plant. As the Senator from New Jersey says, the adoption of his amendment would reduce the amount of the appropriation carried in the bill; it would reduce the bill by that much money, but it would continue an expense which, compared with what the expense of this proposition would be, is simply a trifle.

We had not long ago a heating plant constructed to heat this Capitol and had some of the buildings connected with it. That plant has been exceedingly satisfactory. It is for Government purposes. It has, so far as I know, the indorsement of everybody connected with it. Last year the members of the House committee informed me, when the matter was taken up and we were in council, that they would personally, as Members of the House, inspect this whole proposition. This plant is not only to provide for all of the down-town Government buildings, but it is to connect with the power plant that supplies the heat for this Capitol; so that, in case of the failure of either one, we would not be without heat.

Mr. MARTINE of New Jersey. Mr. President, I thoroughly appreciate the force of the Senator's thought. I know it is proposed by this means to make connection with the Capitol heating plant. I talked with Mr. Warner regarding this subject about six months ago, and I was very much impressed by what he said. As I have said, he is a man of large affairs and is identified with the District of Columbia. I still believe that a plant should at some time be constructed that would utilize the force of the waterfall on the Potomac, but I am so impressed with that which I have learned that I still believe that the pending proposition is an immature plan; and, with all deference to the Senator from Wyoming, that it is ill advised. I still adhere to my motion that that portion of the bill which I have moved to strike out be stricken out.

Mr. WARREN. The annual saving is one hundred and seventy-six thousand and some odd dollars, and I hope the clauses will not be stricken out.

Mr. MARTINE of New Jersey. There is a saving if you can accomplish it judiciously, but that is the question.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from New Jersey.

The amendment was rejected.

Mr. WORKS. I move to amend by inserting, after line 17, on page 97, the following:

For repairs to hospital and repairs to three barracks, $14,992.

Mr. WARREN. That is all right.

Mr. WORKS. Within the last two minutes the Senator from Washington has handed me the following telegram——

Mr. WARREN. The matter is estimated for, and there is no objection to the amendment on the part of the chairman of the committee.

The amendment was agreed to.

Mr. WORKS. Mr. President, I also move, on line 13, page 97, to strike out "$180,000" and to insert "$190,000," so as to read:

For subsistence, including the same objects specified under this head for the Central Branch, $190,000.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from California.

Mr. WARREN. One moment. I should like to see where the amendment comes in.

Mr. WORKS. I call the attention of the chairman of the committee to the fact that for the Kansas Central Branch $190,000 is appropriated for exactly the same purpose. There is a larger number of inmates in the Pacific Branch than in the others. There may be some reason for this smaller appropriation which does not occur to me.

Mr. WARREN. Mr. President, unless the Senator knows very positively the necessity for the increase and can explain the situation, I wish he would not press that amendment. We have to rely largely, of course, upon reports we get from the department, and also from those who have these matters in charge. The Senator's proposition will throw the appropriation out of balance, as we have figured it in connection with the others. I should like to know what it is for.

Mr. WORKS. It is for subsistence, including the same things specified under this head of the Central Branch. There is simply a difference of $10,000 between those two branches, and it does not seem to be justified by the facts.

Mr. WARREN. That does not necessarily carry any reason with it. Another thing: Subsistence is always a matter that is not cut short, because if you run short it comes up as a deficiency. There is no danger at all. The law provides what it shall be, if there is a shortage.

Mr. WORKS. There may be no reason in what I am saying, but I have already said that if there were any reason for this difference between the two branch homes that could be pointed out I should not complain.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from California.

The amendment was rejected.

Mr. OWEN. After line 7, on page 117, I move the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Oklahoma offers an amendment, which will be stated.

The SECRETARY. On page 117, after line 7, it is proposed to insert:

For the purchase of the following-described real estate in the city of McAlester, county of Pittsburg, State of Oklahoma, to wit: The north 50 feet of lot No. 2 in block No. 487 in the original town site of South McAlester, the dimensions of said lot being 50 feet by 165 feet, with 50 feet front on South Third Street, in said city of McAlester, together with the two-story brick building and all other improvements thereon, for the use of the Bureau of Mines for a mine rescue station, and for such other purposes as the Bureau of Mines may from time to time desire to use the same, at and for the sum of $5,500.

Mr. OWEN. Mr. President, in 1910, when the Bureau of Mines was established, McAlester, which is the center of a large mining district, furnished the Government with these quarters. They cost about $10,000. There is a balance due of $5,500 on the property, and the men who furnished the Government this rescue station offered to turn it over and desire to turn it over. I have here a letter from Van H. Manning, acting Director of the Bureau of Mines, and a letter from the Secretary of the Interior, Hon. Walter L. Fisher, of February 25, 1913, which has just come in.

Mr. WARREN. Yes; but that is a matter that has had consideration. It is not estimated for. The Bureau of Mines has been most liberally provided for, and the Senator should let that proposition run over until we can have a regular estimate for it. I shall have to make the point of order against it.

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

Mr. OWEN. I ask to print in the RECORD the letters to which I have referred upon the matter.

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

The letters referred to are as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, December 21, 1912.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SIR: In the absence of Dr. Holmes, I beg to acknowledge the receipt of your letter of December 16, accompanied by inclosures from Messrs. F. B. Drew and William Busby, of McAlester, relative to the matter of purchase by the Government of the McAlester mine rescue station.

When the Bureau of Mines was organized in 1910 and inquiries were made toward securing local rescue stations and cars in mining districts, in which to train and instruct men regarding mine safety, the coal-mine operators of McAlester were the first to come forward and undertake to assist the Bureau of Mines by providing it with a building for rescue training, pending such future provision as Congress might make. This is the only case where such generous assistance was furnished. Subsequently, on receipt of a donation of a building site in Birmingham, Ala., the bureau constructed a rescue station there, and in Seattle the bureau is occupying the Philippine exposition building.

Still later the bureau has purchased rescue cars, and was authorized by a provision of the sundry civil act for 1912 to accept or purchase sites for sidings on which to store such rescue cars. There is no legislation, however, authorizing the bureau to purchase from private parties a rescue station and grounds, as in the case of this proposition from Oklahoma.

The bureau is still using as a rescue station at McAlester the building which cost the operators about $10,000. I understand that there is a floating debt on this amounting to $5,500, and on several occasions since 1911 the trustees have offered to turn the building over to the Bureau of Mines if the bureau will settle this floating indebtedness. By so doing the Government would come into possession of a property worth $10,000 at an expenditure of $5,500.

Since the Bureau of Mines must have a rescue station for the conduct of its work in McAlester, I believe it would be in the interests of the Government if an appropriation and authority can be granted for the purchase of this building and land at the above price. Such authority would probably be best inserted in the sundry civil bill. The letters from Messrs. Drew and Busby are herewith returned.

Very respectfully,

VAN H. MANNING, *Acting Director.*

DEPARTMENT OF THE INTERIOR,
Washington, February 25, 1913.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR OWEN: I beg to acknowledge the receipt of your letter of February 18, with inclosures from Mr. F. B. Drew, secretary of the Oklahoma Coal Operators' Association, and from the Acting Director of the Bureau of Mines, relative to the purchase by the Government of a mine-rescue station at McAlester, Okla.

The information contained in the letter of the Acting Director of the Bureau of Mines, December 21, 1912, regarding the floating debt of $5,500 on the mine-rescue station building and lot at McAlester, was based upon information received by the acting director at that time, while the copy of the bill drawn up by the department and transmitted to the Hon. C. D. CARTER, of the House of Representatives, on January 27 last, was based upon letters received from the former secretary of the Oklahoma Coal Operators' Association on January 31, 1911.

I understand that the amount expended for the lot and rescue-station building, with fixtures, has been not less than $10,000; that the lot—50 by 165 feet in size—is well located in the business part of the city; and that the building is a substantial brick building, which, with the lot, has a commercial value at this time equal to this amount. I understand also that this building has been occupied as a mine-rescue station by the Bureau of Mines for more than two years, and that the Government has no other building in the city of McAlester suitable for the use of the mine-rescue station.

In view of these facts and the need by the department for a suitable building for housing the mine-rescue work of the Bureau of Mines at McAlester, and in view of the recommendation contained in your letter of February 18, I am willing to approve the purchase by the department of this building for the use of the Bureau of Mines rescue work at McAlester at a price not exceeding the sum of $5,500, as may be decided upon after an investigation of all the conditions by the department.

The wording of the proposed amendment to the sundry civil bill authorizing the purchase of this building by the department should specify that the purchase be made by the Secretary of the Interior in an amount not exceeding $5,500.

Respectfully,

WALTER L. FISHER,
Secretary.

Mr. BORAH. Mr. President, on page 189, line 5, after the figures "$4,926,000," I move the amendment which I send to the desk.

The PRESIDENT pro tempore. That amendment will be stated.

The SECRETARY. On page 189, after line 5, it is proposed to insert:

Provided, That hereafter no part of this or any other appropriation shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States Government who shall make or cause to be made, with a stop watch or other time-measuring device, a time study of the movements between the starting and completion of any job of any such employee; not shall this or any other appropriation be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant; and no claim for services hereafter performed by any person violating this proviso shall be allowed.

Mr. WARREN. Mr. President, I do not wish to inveigh against the spirit or the requirement of that amendment, but it is clearly legislation of the most pronounced kind because it applies to this and all other appropriation bills. So I shall have to make the point of order that it is general legislation.

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

The amendment was rejected.

The PRESIDENT pro tempore. If there be no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. SMITH of Georgia. Mr. President, in that connection I desire to reserve action on the amendment that was offered by the Senator from Kentucky [Mr. BRADLEY] which provides for carrying into effect the provisions of the Senate bill passed April 2, 1912.

The PRESIDENT pro tempore. The reservation will be made.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The Senator from Georgia reserves the amendment which he has stated. Without objection, the other amendments made as in Committee of the Whole will be concurred in in the Senate. The question is upon the amendment reserved.

Mr. SMITH of Georgia. Now, Mr. President, I desire to make the point of order that the amendment is out of order. It is a provision for an appropriation of $250,000 not presented by any committee and not estimated for by the head of any department. The same point of order was made against this provision at the last session and sustained by the present Presiding Officer. I can explain the matter more in detail unless the Chair recognizes it.

Mr. BRADLEY. Mr. President, I should like to say a word on the point of order.

The PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BRADLEY. Mr. President, there is no necessity for any estimate on this item. The appropriation asked in this amendment was embraced in a bill that has passed the Senate, and the amount was fixed by the Senate, and an estimate is impossible. On my motion it was attached as an amendment to the present bill. It is not like the case of a public building or anything of that sort. As I remember it, it provides that the Secretary of the Treasury shall have control of all payments, and all vouchers must be approved by him. By the way, I digress to remark that it is a little peculiar to me that the Knoxville provision, which was inserted in this bill and passed this afternoon and which was never heretofore passed by the Senate, should go through without any objection from the distinguished Senator from Georgia and that he should confine himself to this bill for the purpose of making an objection. As to the Knoxville Exposition, no bill has ever passed the Senate. I do not think the point of order is well taken.

Mr. SMITH of Georgia. Mr. President, I do not feel called upon to respond to the suggestion of the Senator as to my reason for making a point of order in one case and not in another. I might say that I am not at all familiar with the Knoxville appropriation. I have not read it, and I do not know what it is; but I am familiar with this matter, and I wish to make this statement with reference to it: There is some sort of a charter for a company in Georgia under which there has never been an organization. There is not any organization at all to which to make this appropriation, and I am unwilling to see an appropriation made to a company in my State that has never been organized, merely on a paper charter that is so loose that I would not be willing to have——

Mr. BRADLEY. Will the Senator permit an interruption?

Mr. SMITH of Georgia. Yes.

Mr. BRADLEY. The corporation in Georgia of which the Senator speaks has nothing whatever to do with this case. The provisions of the bill making the appropriation authorize the President, whenever satisfied that corporation is organized and has made provision for the holding of the exposition and has raised and secured money or property to the amount of $50,000 for the purposes of the exposition, to issue a proclamation of the time, place, and purpose of the exposition. Besides, as stated, no voucher can be paid until approved by the Secretary of the Treasury. As to the location of grounds and buildings, they must be approved by the Secretary of Commerce and Labor. I do not know anything about this corporation, and I do not care anything about it; but the bill does not take effect until the negroes of the United States raise $50,000 in aid of this $250,000 appropriated by the Government. The corporation has no control of this matter.

Mr. SMITH of Georgia. While the bill providing for this exposition has passed the Senate, it has never passed the House.

Mr. BRADLEY. That is true.

Mr. SMITH of Georgia. There is no law on the subject, and there is no such limitation. The mere passage by the Senate of a bill does not make it a law; it does not make it anything until the House passes it and it becomes a law. The Senate passed the bill, but the House never has passed it. It is not a law; it is not effective. The charter issued in Georgia has never been accepted, and there has been no organization under it. I am perfectly willing, although I ought not to discuss the merits of this case on a point of order——

Mr. BRADLEY. I hope the Senator will excuse me——

Mr. SMITH of Georgia. I am simply now making the point of order that the amendment is not in order, as there is no estimate for it and as it comes from the floor without being referred to the committee.

Mr. ROOT. Mr. President, I was under the impression that the original bill which passed the Senate had the approval of the Senator from Georgia. My memory may be at fault. If so, that would surely take the place of an estimate.

Mr. SMITH of Georgia. The Senator was mistaken. It did not. I did not vote for it. The senior Senator from Georgia had been examining it, but I had not up to that time. I was told that he had examined it, and as he had examined it I interposed no objection. Subsequently I examined the bill, and I think it is a very loose bill. There never has been any organization of the corporation.

Mr. ROOT. I suppose the Senator from Georgia does not doubt that if this appropriation takes effect there will be an organization?

Mr. SMITH of Georgia. I do, very seriously; and I would want to know what sort of organization it was before it got the money.

Mr. ROOT. Mr. President, this has not been estimated for, it is true; but it is reported by a standing committee of the Senate and approved by the Senate, and it seems to me it is not open to objection upon that score.

Mr. SMITH of Georgia. The rule requires, Mr. President, that the estimate shall be made by the committee that reports this appropriation bill. The mere fact that some other committee of the Senate may have reported a bill on the subject does not bring it within the rule that from the floor a Member can add it to a general appropriation bill.

The PRESIDENT pro tempore. The Senator from Georgia, as the Chair understands it, makes three points of order against the proposed amendment—first, that it has not been estimated for; second, that it is general legislation; and third, that it has not been reported by any standing or special committee of the Senate—and the Senator from Georgia suggests that the Chair ruled against a similar amendment on a former occasion. The present occupant of the Chair does not recall that he ruled on a similar amendment during the last session, and yet that may be the case. The Chair will suggest that no estimate could possibly have been made upon an amendment of this kind, as such matters are never submitted to the heads of departments for consideration.

As to whether or not it is general legislation, the Chair repeats what he suggested a few days ago, that that is oftentimes a matter very difficult to determine. In addition to the points made by the Senator from Georgia, the rule provides that an amendment is in order if it has passed the Senate at the present session, and there are many precedents for ruling an amendment in order on that ground, the late Senators Frye and Harris being among those who held that an item that had passed the Senate at the same session of Congress was in order. In the Thirty-second Congress, William R. King, who was then acting as President pro tempore, ruled that a measure that had passed the Senate at the last session was in order, but that is not in accordance with the terms of rule 16. The amendment now before the Senate passed this body during the second session of the present Congress, which fact ought to be taken into consideration in determining the question. In addition to this, it will be recalled that two amendments of a similar nature were placed on the bill to-day, neither of which had ever been favorably considered by the Senate. In view of those facts the Chair feels that while the present amendment does not come technically within the rules, he may well avail himself of the privilege which permits him to submit questions to the Senate, and he submits this question:

Is the amendment in order on this bill?

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

The PRESIDENT pro tempore. The Senator from Nebraska 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	Fletcher	Martin, Va.	Smith, Mich.
Borah	Gallinger	Martine, N. J.	Smith, S. C.
Bradley	Gamble	O'Gorman	Smoot
Brady	Gardner	Owen	Swanson
Bristow	Hitchcock	Page	Thomas
Burton	Jackson	Percy	Townsend
Catron	Johnson, Me.	Poindexter	Warren
Chamberlain	Kenyon	Pomerene	Wetmore
Chilton	Kern	Root	Williams
Crawford	La Follette	Sheppard	Works
Curtis	Lea	Shively	
Dillingham	Lodge	Simmons	
Fall	McCumber	Smith, Ga.	

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

The question is, Is the amendment submitted by the Senator from Kentucky [Mr. BRADLEY] in order on the pending bill?

Mr. SMITH of Georgia. Mr. President, that it is out of order I desire to bring to the attention of the Senate.

The proposed amendment refers to a bill which has passed the Senate, but which has not passed the House; and it undertakes to appropriate $250,000 to an exposition fund in pursuance of the terms of that bill. It comes from the floor of the Senate, not from the committee. It is offered from the floor of the Senate.

Mr. President, shall Members disregard the rule, because perhaps they wish to vote for the appropriation, when the point of order is invoked?

The rule provides, as to amendments to appropriation bills:

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate or proposed in pursuance of an estimate of the head of some one of the departments.

The rule is perfectly clear. It limits the right to add increases of appropriation to an appropriation bill to certain specific ways. If a department has estimated for it, you can move from the floor to insert it. If there is a general law providing for it, though the committee has not reported it, you can move from the floor to insert it. But unless it is provided for by a general law or estimated for by a committee or presented from the committee in the committee's report, the rule says you can not add it from the floor of the Senate where the point of order is made on it.

If any Senator will show me anything in this rule that permits a Member of the Senate from the floor to increase on motion, over objection, a provision in an appropriation bill, except in two instances—where there is a general law covering it, or where a department has made an estimate covering it—I wish he would do so.

Mr. WARREN. I think there is one other point, though it does not apply in this case; that is, where it is reported from a standing committee.

Mr. SMITH of Georgia (reading)—

Unless the same be moved by direction of a standing or select committee of the Senate.

This appropriation is not moved by a standing or select committee.

Mr. WARREN. I did not say it applied in this case.

Mr. SMITH of Georgia. No. Now, are we to abandon the rule? This is going to be a record vote of the Senate. We will have the yeas and nays. Are we going to break down that rule and establish the proposition in future that wherever a Senator desires from the floor to increase an appropriation bill he shall have the right to do it?

The second provision is:

All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

So that where a standing committee moves the increase, its motion must be referred to the Committee on Appropriations, and be by it considered and reported on.

So, Mr. President and Senators, if anything can be clear, this proposed amendment is out of order. Why, I have heard rulings from the Chair that would cover this a dozen times, on this bill, ruling out increases offered by Members. There are a dozen rulings of the Chair that will cover it, made to-night and to-day.

I shall not take the time of the Senate with further discussion.

Mr. BRADLEY. Mr. President, I want to say a few words to the Senate about this bill.

In the first place, this bill was reported unanimously from the committee. The Senator says its provisions are loosely drawn. It is sufficient to say that was drawn by the distinguished chairman of the committee, the Senator from New York [Mr. ROOT], and ample protection is given in every line of it for the safety of the application of the fund. The bill was introduced on the floor of the Senate, and, as I remember, there was not a single vote against it. Now we bring it up here as a bill which has passed the Senate and ask to have it placed on this bill. We have seen here this afternoon another bill passed—and I voted for it because I thought it was right—that never had been passed by the Senate, but which was tacked on to this appropriation.

I do not see why I should be made the special target of a point of order when others are not so made, and I hope the Senate will vote down this point of order.

Mr. CURTIS. I desire to call the attention of the Senate to one decision which I think covers this case. In the Fifty-second Congress, second session—

A question of order was raised that an amendment to an appropriation bill did not carry out the provisions of existing law, treaty stipulation, or act or resolution of the Senate passed at the present session.

The Presiding Officer (Mr. Harris in the chair) decided that an act having passed the Senate during the present session embodying the provisions of the amendment, and making an appropriation necessary to carry out the same, should the act ripen into law, the amendment was in order.

Mr. HITCHCOCK. That refers to a bill passed during that particular session.

Mr. CURTIS. The previous session.

Mr. HITCHCOCK. This was not passed during the present session.

Mr. WILLIAMS. I should like to ask the Senator from Kentucky whether the bill contained in his amendment passed the Senate at this session or at the last session?

Mr. BRADLEY. I do not know exactly what the Senator means by the session, whether he means this session of Congress or this particular time.

Mr. WILLIAMS. I mean this session of Congress, of course.

Mr. BRADLEY. Since we met in December?

Mr. WILLIAMS. Yes, sir.

Mr. BRADLEY. No, sir.

Mr. WILLIAMS. Then it falls outside of the rule.

Mr. LODGE. Mr. President, I should like very much to vote for this amendment. I voted for the bill; I am in entire sympathy with it; but when the question is put as to its being in order I can not possibly vote that it is in order, for it seems to me clearly out of order. It is not moved by standing or select committee. Even if moved by such a committee, it would have to go to the Committee on Appropriations first. It is not estimated for, and I construe the rule about estimating to mean that a general appropriation bill is to be confined to matters for which departments estimate. Whether they refuse to estimate voluntarily or whether they are unable to estimate does not seem to me to affect the point.

Therefore, Mr. President, as the amendment seems to me to be general legislation, I do not see how it can be voted in order unless we set the rule entirely aside. I say this with great regret, because I should like to vote for the amendment if I could vote on the amendment itself.

The PRESIDENT pro tempore. Senators who are of the opinion that the amendment is in order on the pending bill will say "aye." [Putting the question.] The noes appear to have it. The noes have it, and the amendment is declared to be not in order. The question is, Shall the amendments be engrossed and the bill read a third time?

Mr. WARREN. I ask that the clerks may change the section numbers.

The PRESIDENT pro tempore. That is understood.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE CALENDAR.

The PRESIDENT pro tempore. Under the previous order of the Senate the calendar under Rule VIII will now be taken up.

Mr. MARTIN of Virginia. From the Committee on Commerce I report back favorably without amendment the bill (S. 8577) authorizing the construction of a railroad bridge across the St. Johns River between the town of Van Buren, Me., and the parish of St. Leonard, Province of New Brunswick, Dominion of Canada (S. Rept. 1333).

Mr. JOHNSON of Maine. I ask unanimous consent for the present consideration of the bill just reported.

Mr. SMOOT. I object to that request, because I want the Senate to take up the calendar in its regular order. When we reach this bill, then of course I shall be perfectly willing to have it considered.

Mr. JOHNSON of Maine. I will say to the Senator from Utah that it is a pressing matter and I should very much like to have the bill put on its passage.

Mr. SMOOT. We will reach it to-night.

Mr. JOHNSON of Maine. It is not on the calendar.

Mr. SMOOT. It goes on the calendar just as soon as it is reported.

The PRESIDENT pro tempore. It will be held on the table.

Mr. SMOOT. It will be on the table, and as soon as we are through with the calendar the Senator can call it up.

Mr. POMERENE. This morning a favorable report was made by the senior Senator from Idaho [Mr. BORAH] on a local bill, House bill 4718——

Mr. SMOOT. Mr. President, I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded. The first bill on the calendar will be stated.

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

Mr. SMOOT. I ask that this bill and all the other bills on the first page of the calendar may go over, being Senate bill 1505, Senate bill 2151, Senate bill 256, Senate bill 3, and Senate bill 2234.

The PRESIDENT pro tempore. The bills will go over under objection.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. OWEN. I should like to have that bill taken up and disposed of.

The PRESIDENT pro tempore. The bill has been heretofore read twice at length. Is it desired that it shall be read again?

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

BROTHERHOOD OF NORTH AMERICAN INDIANS.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians, was announced as next in order, and it was read.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if this is a unanimous report from the Committee on Indian Affairs.

Mr. OWEN. As far as I can recall, it is. It has been a long time since it was reported. It was reported nearly a year ago, on April 3 last.

Mr. SMOOT. I know it has been reported and on the calendar quite a while.

Mr. OWEN. I have been absent from the Senate, and therefore I have never brought it up. I do not recall any objection to it.

Mr. SMOOT. There have been objections made to it a good many times when it was reached on the calendar. I wanted to ask the Senator if it is a unanimous report of the committee.

Mr. OWEN. I do not know of any objection to it in the committee. I do not recall any. It was considered there nearly a year ago. I do not recall any objection.

The Senate as in Committee of the Whole proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with amendments.

The first amendment was, in section 2, page 3, line 15, after the word "equal" to insert "in every respect," and in line 16, after the word "people" to strike out "and inferior to none" and insert "or race," so as to make the section read:

SEC. 2. That the purposes and objects of the said corporation shall be to teach, obtain, and maintain rights, liberties, and justice for all Indians equal in every respect to that of any people or race; to preserve and perpetuate the ancient traditions, arts, and customs of North American Indians; to unify their efforts and interests; to council together; to promote and encourage industry and thrift among Indian people; to collect, secure the preservation of, and to publish the records, papers, documents, and traditions of historical value and importance to North American Indians; to mark, by appropriate monuments, places historic and sacred to the American Indian; to impress upon present and future generations of American Indians the importance of united action for the common good; to promote a feeling of friendship, brotherhood, and good citizenship among its members; and to provide for the aged and infirm of the Indian race.

The amendment was agreed to.

The next amendment was, in section 8, page 5, line 21, after the word "may," to insert "repeal or"; in line 22, after the word "alter," to strike out "repeal" and insert "amend," and in the same line, after the word "incorporation," to strike out "but no contract or individual right made or acquired shall thereby be divested or impaired," so as to make the section read:

SEC. 8. That Congress may repeal or, from time to time, alter, amend, or modify this act of incorporation.

The amendment was agreed to.

The next amendment was, on page 6, to strike out section 9, as follows:

SEC. 9. That this act shall take effect immediately on its passage.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to incorporate in the District of Columbia the Brotherhood of North American Indians."

BILLS PASSED OVER.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. CRAWFORD. The bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

Mr. SMOOT. At the request of the Senator from Arkansas [Mr. CLARKE] I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. ROOT. At the request of the Senator from Kentucky [Mr. PAYNTER] I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

The PRESIDENT pro tempore. The bill has been read.

Mr. BRISTOW. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park to be known as McClellan Park was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The next business on the calendar was the motion submitted by Mr. POINDEXTER that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297 to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate.

Mr. BRANDEGEE. I wish to ask the Senator from Washington if there is any reason why that motion should not go under Rule IX?

Mr. POINDEXTER. I know of none. I realize that there is no time for the consideration of it in the two Houses of Congress before adjournment.

The PRESIDENT pro tempore. The motion will be placed under Rule IX.

The bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton, and to insert certain claims in said letters patent dated May 9, 1899, was announced as next in order.

Mr. LODGE. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6172) to regulate the method of directing the work of Government employees was announced as next in order.

Mr. ROOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 28, 1891, was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Senate resolution No. 362, for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose, was announced as next in order.

Mr. OWEN. Let it go over.

The PRESIDENT pro tempore. It will be passed over.

The bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. MARTIN of Virginia. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States was announced as next in order.

Mr. OWEN. Let it go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Senate resolution 375, discharging the Committee on the Judiciary from further consideration of the concurrent resolution (S. Con. Res. 4) instructing the Attorney General of the United States to prosecute the Standard Oil Co. and the American Tobacco Co., was announced as next in order.

Mr. SMOOT At the request of the Senator from Arkansas, I ask that that may go over.

The PRESIDENT pro tempore. The resolution will go over.

The bill (H. R. 16461) to regulate judicial procedure of the courts of the United States was announced as next in order.

Mr. CATRON. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4994) to authorize the inclosure of certain lands in the State of Nevada containing dangerous quagmires was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. NEWLANDS. Is there any objection to that bill?

The PRESIDENT pro tempore. Objection is made.

Mr. SMOOT. There is objection.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

The bill (S. 3130) to authorize the Secretary of the Interior to permit the Conrad-Stanford Co. to use certain lands was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 226) of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was announced as next in order.

Mr. BURTON. Let that go over.

Mr. JONES. That has already passed.

Mr. STONE. I should like to have that resolution considered.

Mr. BURTON. I ask that it go over.

Mr. STONE. Does the Senator ask to have the resolution go over?

Mr. BURTON. Yes.

Mr. STONE. I hardly think Senators desire that. I have conferred with the Senator from Delaware [Mr. DU PONT].

Mr. BURTON. I understand that the session this evening is merely for the purpose of considering unobjected bills.

Mr. STONE. I understand.

Mr. BURTON. I have stated that I object to the joint resolution.

The PRESIDENT pro tempore. The joint resolution goes over.

The bill (H. R. 27475) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. ASHURST. Let that go over.

Mr. McCUMBER. I understand that there is a disposition to object to the consideration of these pension bills this evening, and therefore I wish to give notice at this time that immediately upon the reading of the Journal to-morrow morning I shall move to take up this bill.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4241) to encourage rifle practice and promote a patriotic spirit among the citizens and youth of the United States was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 8188) to amend section 113 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1912, was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 19236) to regulate the practice of osteopathy in the District of Columbia was announced as next in order.

Mr. WILLIAMS. Let it go over.

Mr. CURTIS. I hope the Senator will not object to that bill. It was very carefully considered by the committee twice, full and complete hearings were had, and the bill has been reported with a view of protecting the people in this practice and to get men and women who are qualified to follow the practice in the District of Columbia.

A very large number of States have a similar law. This proposes to regulate the practice. Only those who have a certificate may practice now, but hereafter in order to practice they must have a certificate from a standard school and pass an examination. This is rather to insure that those who practice in this District are properly qualified, and I hope there will be no objection to the consideration of the bill.

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

Mr. WILLIAMS. No; I do not withdraw it, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

MARY MACARTHUR.

The bill (H. R. 27806) granting a pension to Mary MacArthur was announced as next in order.

Mr. LA FOLLETTE. I ask to have that bill passed over a few minutes without prejudice to be recurred to again.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. CURTIS. That bill passed to-day as an amendment to another measure.

Mr. LA FOLLETTE. Mr. President, I understand it was made an amendment to an omnibus pension bill. There is, however, Mr. President, a possibility that that bill which is a Senate bill may fail. This is a House bill, carrying exactly the same amount which the Senate provided in the omnibus pension bill.

Mr. ROOT. Let it be passed.

Mr. LA FOLLETTE. I should ask to have it passed, except for the fact that the Senator from Utah [Mr. SMOOT], on behalf of the Senator from Florida [Mr. BRYAN], is commissioned to object to the passage of every pension bill to-night. I do not think that his objection would apply to this bill, and shall ask to have it passed over temporarily, in order that I may communicate with the Senator from Florida and see if he intended his objection to be so broad.

The PRESIDENT pro tempore. The bill will be passed over without prejudice.

Mr. LA FOLLETTE subsequently said: Mr. President, I ask to recur to Calendar No. 1044, being the bill (H. R. 27806) granting a pension to Mary MacArthur.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LA FOLLETTE. I think I ought to state that since we passed over that bill the Senator from Virginia [Mr. MARTIN] and myself have conferred, over the telephone, with the Senator

from Florida [Mr. BRYAN], and he does not wish to interpose an objection to the consideration of this bill.

Mr. WILLIAMS. Mr. President, I should like to understand just what the agreement between the Senators is. There are several other House bills here exactly in the same attitude. They have passed the House and have been reported by the Senate committee and are also pension bills. Did the waiver of the Senator from Florida apply to all those or simply to this bill?

Mr. LA FOLLETTE. I asked the Senator from Florida whether his objection applied to this bill. I did not inquire further than that, I will say to the Senator. I have asked that this bill be taken up simply because the Senate disposed of it this afternoon as an amendment upon another bill, which I apprehend may not pass in the House, as it was a Senate bill.

Mr. WILLIAMS. There are several other bills in the same attitude. Did the Senator from Florida put his waiver upon the ground that it had passed the House and that the Senate committee had made an identical report?

Mr. LA FOLLETTE. He put his waiver upon the ground that the Senate had dealt with the bill this afternoon, and he had no objection to it. However, if it is going to delay matters——

Mr. WILLIAMS. I shall not object; but I think he ought to have made the rule apply to all bills in the same identical condition.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Pensions with an amendment in line 8, before the words "per month," to strike out "$100" and insert "$75," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary MacArthur, widow of Arthur MacArthur, late lieutenant general United States Army, and pay her a pension at the rate of $75 per month.

Mr. LA FOLLETTE. Inasmuch as the Senate this afternoon voted to make the pension $100 per month, I trust that that proposed amendment will be voted down.

Mr. SMITH of Georgia. Mr. President, $75 looks like a pertty good special pension.

Mr. LA FOLLETTE. This is the widow of Gen. MacArthur, and I do not believe that there is a precedent for pensioning the widow of an officer of his rank at less than $100 per month.

Mr. SMITH of Georgia. I will not object.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was rejected.

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

ROSEBUD INDIAN RESERVATION, S. DAK.

Mr. WILLIAMS. I withdraw the objection which I made to Senate bill 7110.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect.

Mr. THOMAS. I object to the bill.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

JOHN R. FUGILL.

The bill (H. R. 3967) granting an increase of pension to John R. Fugill, was announced as next in order.

Mr. SMOOT. Mr. President, the Senator from Florida [Mr. BRYAN] asked me if he were not in the Chamber when any of the pension bills upon the calendar came up to object for him to the consideration of any such bills this evening. For that reason I object.

Mr. SMITH of Georgia. I object also, and I am in the Chamber.

PUBLIC HEALTH SERVICE.

The bill (S. 7722) to promote the efficiency of the Public Health Service, was announced as next in order.

Mr. OWEN. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

Mr. OWEN subsequently said: Mr. President, I should like to withdraw my objection to Senate bill 7722. When it was reached on the calendar I did not clearly understand it.

Mr. SMOOT. Mr. President, if that bill is to be considered to-night I want to offer certain amendments to it.

Mr. FLETCHER. I have no objection to that.

Mr. SMOOT. I have no objection at all to the consideration and passage of the bill, providing the amendments which I wish to propose are agreed to.

Mr. CURTIS. Then let it go over.

Mr. FLETCHER. I think the Senator from Utah and I can agree on the amendments which he desires to offer to the bill, if the Senator from Kansas [Mr. CURTIS] will withdraw the objection.

Mr. CURTIS. I withdraw my objection. I thought the consideration of the bill was going to consume time; that is all.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill (S. 7722) to promote the efficiency of the Public Health Service, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. FLETCHER. The Senator from Utah desires to offer certain amendments to the bill.

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

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 1, page 1, line 7, before the word "rooms" where it occurs the second time, it is proposed to strike out "seven" and insert "six"; in line 8, before the word "rooms" where it occurs the first time, to strike out "six" and insert "five"; and, in line 8, after the word "rooms" where it occurs the second time, to strike out "passed assistant surgeon, four rooms; assistant surgeon, three rooms," so as to make the section read:

That hereafter when officers of the Public Health Service on the active list are not provided quarters, they shall receive in lieu of same commutation therefor at the rate of $12 per room per month, as follows: Surgeon General, eight rooms; assistant surgeon general, six rooms; senior surgeon, five rooms; surgeon, five rooms; and shall receive commutation for necessary fuel and lights for the same at rates to be fixed by the Secretary of the Treasury: *Provided*, That officers while serving beyond the continential limits of the United States or on sea duty shall receive an additional 10 per cent of their salaries and increase while on such duty.

The amendment was agreed to.

Mr. SMOOT. I also offer an amendment to section 2.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. In section 2, page 2, lines 5 and 6, it is proposed to strike out the words "seven thousand two hundred" and to insert "five thousand," so as to make the section read:

SEC. 2. That the allowance for baggage and personal effects to an officer in changing stations shall be fixed by the Secretary of the Treasury, not to exceed in any case 5,000 pounds.

The amendment was agreed to.

Mr. FLETCHER. I offer an amendment to come in at the end of section 1.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The amendment proposed by the Senator from Florida will be stated.

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

Provided further, That a vacancy in the grade of Surgeon General shall be filled by appointment by the President, by and with the advice and consent of the Senate, from among officers in the grade of senior surgeon or surgeon, and the term of office of the Surgeon General shall be for a period of four years, at the expiration of which term he shall, unless reappointed, be carried as an extra officer in the grade of senior surgeon.

Mr. OWEN. I hope the Senator will not insist on that amendment.

Mr. FLETCHER. If it is objected to I shall withdraw the amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws the amendment.

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

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

BILLS PASSED OVER.

The bill (H. R. 16314) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. BRISTOW. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4669) for the relief of S. W. Fenton was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 7202) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill go over.

The PRESIDING OFFICER. The bill goes ever.

LEGISLATIVE DRAFTING BUREAU.

The bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress was announced as next in order.

Mr. WILLIAMS. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

Mr. ROOT subsequently said: Mr. President, my attention was diverted by a question that was being put to me when Senate bill 8337 was reached on the calendar. Was there objection to the consideration of that bill?

The PRESIDING OFFICER. There was. The Senator from Mississippi [Mr. WILLIAMS] objected.

Mr. ROOT. I hope the Senator will not press his objection. This is a very simple bill, but a bill of considerable importance.

Mr. GALLINGER. I will object if the Senator from Mississippi does not.

The PRESIDING OFFICER. Objection is made.

STATUE OF JOHN MARSHALL.

The bill (S. 7657) for the erection of a statue of John Marshall was announced as next in order.

Mr. WILLIAMS. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

COPYRIGHT LAWS.

The bill (H. R. 23568) to amend section 55 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909, was considered as in Committee of the Whole.

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

BILLS PASSED OVER.

The bill (S. 6691) to indemnify the State of Massachusetts for expenses incurred by it in defense of the United States was announced as next in order.

Mr. BRISTOW. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 7845) relating to the adjudication of homestead entries in certain cases was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 5179) directing the Secretary of the Treasury to prepare designs and estimates for and report cost of a national archives building in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

WATER SUPPLY, EVERETT, WASH.

The bill (S. 2622) to authorize the city of Everett, Wash., to purchase certain lands for the securing and protection of a source of water supply for said city was considered as in Committee of the Whole.

Mr. SMITH of Georgia. I should like to ask the Senator from Washington if he has any hope of this bill being passed at this session, and, if not, whether it is worth while to consider it at this time?

Mr. JONES. I do have hope, because we have enacted similar laws, which have been very carefully gone into, and this follows them exactly.

Mr. SMITH of Georgia. Then the Senator thinks he will get it up in the House?

Mr. JONES. I think so. I hope so, anyhow. This city is very anxious to have this water supply.

Mr. SMITH of Georgia. It did not seem to me to be worth while to take up time with matters which can not be enacted into law.

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

STATUE OF MAJ. GEN. GEORGE GORDON MEADE.

The bill (S. 6062) for the preparation of a plan for the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with amendments, on page 1, line 6, to strike out "the attorney general of the Commonwealth of Pennsylvania, one member of the Senate and one member of the House of Representatives of the State of Pennsylvania, the commander of the Grand Army of the Republic, Department of Pennsylvania," and on page 2, line 4, to strike out "to select a site in the city of Washington and secure plans and designs for a memorial or statue of Maj. Gen. George Gordon Meade, late commander of the Army of the Potomac; the foundation and pedestal for said memorial or statue to be furnished by the United States Government at a cost not in excess of the sum of $10,000; the said memorial or statue to be furnished by the State of Pennsylvania at an approximate cost of $20,000; the said memorial or statue to be approved by the National Association of Fine Arts," and insert "with power to select a site on property of the United States in the city of Washington, and secure plans and designs for and erect on the site selected a memorial or statue of Maj. Gen. George Gordon Meade, late commander of the Army of the Potomac; the foundation and pedestal for said memorial or statue to be furnished by the United States Government at a cost not in excess of the sum of $10,000, which sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said memorial or statue to be furnished by the State of Pennsylvania at an approximate cost of $20,000: *Provided*, The plans, designs, and location for said memorial or statue shall be approved by the Commission of Fine Arts," so as to make the bill read:

Be it enacted, etc. That the Secretary of War, the chairman of the Committee on the Library of the Senate, and the chairman of the Committee on the Library of the House, the governor of the Commonwealth of Pennsylvania, and the general chairman of the committee on Meade statue of the Philadelphia Brigade Association be, and they are hereby, created a commission with power to select a site on property of the United States in the city of Washington, and secure plans and designs for and erect on the site selected a memorial or statue of Maj. Gen. George Gordon Meade, late commander of the Army of the Potomac; the foundation and pedestal for said memorial or statue to be furnished by the United States Government at a cost not in excess of the sum of $10,000, which sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said memorial or statue to be furnished by the State of Pennsylvania at an approximate cost of $20,000: *Provided*, The plans, designs, and location for said memorial or statue shall be approved by the Commission of Fine Arts.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill for the preparation of a plan and the erection of a foundation and pedestal on ground belonging to the United States Government, in the city of Washington, upon which to place a memorial or statue, to be furnished by the State of Pennsylvania, of Maj. Gen. George Gordon Meade."

BILLS PASSED OVER.

The bill (H. R. 6083) to amend an act entitled "An act for the widening of Benning Road, and for other purposes," approved May 16, 1908, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 6028) for the relief of the heirs of the late Samuel H. Donaldson was announced as next in order.

Mr. SMITH of Georgia. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

SPECIAL EXCISE CORPORATION TAX.

The bill (H. R. 27323) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 38 of the act of August 5, 1909, known as the special excise corporation tax, was considered as in Committee of the Whole.

It provides that any corporation, joint-stock company, association, or any insurance company subject to the special excise tax provided by section 38 of the act of August 5, 1909, known as the special excise corporation-tax law, which has been or may be compelled to pay or become liable for any additional tax within the provisions of subsection 5 of section 38, which additional tax has been or may hereafter be imposed for a neglect to file a return as provided in the corporation-tax law on or before the 1st of March of any year, may, within one year after the passage of this act, or within one year after the date of notice of assessment where such notice is given after the passage of this act, make application to the Commissioner of Internal Revenue for a refund of such additional tax, and directs the Commissioner of Internal Revenue, with the advice and consent of the Solicitor of Internal Revenue, to remit, abate, or pay back all such additional taxes in excess of $100 for any single year whenever in any case it appears to his satisfaction that the additional tax was assessed or imposed solely because of a neglect to make a return at the time or times specified in the act, and without any intention or design on the part of any officer of such corporation, joint-stock company, association, or insurance company to

hinder or delay the United States in the collection of the tax originally assessed.

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

BILLS PASSED OVER.

The bill (S. 7878) for the relief of Severin and Bertha L. Evenson, dependent parents of Sigurd Evenson, was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill may go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 8404) for the relief of Jennie G. Lyles was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 8438) granting an increase of pension to Annie G. Hawkins, was announced as next in order.

Mr. SMITH of Georgia. Let it go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

TITLES IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 23939) to legalize titles in the District of Columbia to certain citizens was considered as in Committee of the Whole.

It authorizes Catherine Maroney, a citizen of the United States and a resident of the city of Leadville, in the State of Colorado, to acquire, hold, and dispose of any and all real estate lying in the District of Columbia, as heir at law of Mary Shugrue, a citizen of the United States and late of the District of Columbia, notwithstanding the alienage of the common ancestor of said Mary Shugrue and Edward D. Brown, son of Catherine Maroney by her first husband, through whom she traces her right to acquire such real estate, and that all forfeitures incurred by reason of any act of Congress or law in force in the District of Columbia in respect of such real estate are hereby remitted; and the United States quitclaims and releases in favor of Catherine Maroney, her heirs and assigns, any and all title which the United States have in or to any real estate in the city of Washington and District of Columbia of which Mary Shugrue died seized and possessed.

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

The bill (S. 8516) to amend sections 801, 808, and 1199 of the Code of Law for the District of Columbia was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

FIRE ESCAPES IN THE DISTRICT OF COLUMBIA.

The bill (S. 8306) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

Mr. WILLIAMS. Why?

Mr. SMITH of Georgia. It is a Senate bill. Certainly we can not pass such bills at this session.

Mr. WILLIAMS. It is a very important bill. The House might pass it.

Mr. SMITH of Georgia. I will let it be considered, then. My objection was upon the idea that it is a Senate bill and that we are just wasting time staying here and considering Senate bills.

Mr. GALLINGER. I trust the Senator will let that particular bill be passed.

Mr. SMITH of Georgia. Go ahead.

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

The bill had been reported from the Committee on the District of Columbia with an amendment on page 2, line 14, after the word "gongs," to insert "but fireproof buildings used for office purposes above the second floor or for mercantile or manufacturing purposes shall be provided with safe and sufficient means of exit of such dimensions, character, and number as the commissioners may determine," so as to make the bill read:

Be it enacted, etc., That sections 5 and 13 of an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by the act approved March 2, 1907, be, and the same is hereby, amended as follows:

Amend section 5 so as to read:

"SEC. 5. That each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with fireproof doors.

"That a building used for office purposes above the second floor or for warehouse, storage, mercantile, or manufacturing purposes, and which is a fireproof building under the building regulations, shall be exempted from the requirements of this act as to fire escapes, guide signs, and alarm gongs, but fireproof buildings used for office purposes above the second floor or for mercantile or manufacturing purposes shall be provided with safe and sufficient means of exit of such dimensions, character, and number as the commissioners may determine: *Provided*, That where a wall of such building is within 30 feet of and faces a nonfireproof building each opening of such wall shall be protected with wire glass in fireproof sash and frames: *And provided further*, That the last-mentioned proviso shall not apply to buildings heretofore erected."

Amend section 13 so as to read:

"SEC. 13. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed."

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.

BILLS PASSED OVER.

The bill (H. R. 21714) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia was announced as next in order.

Mr. ROOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 7891) to provide for annual assessments of real estate in the District of Columbia was announced as next in order.

Mr. GALLINGER. Let that go over, and the next one, S. 8227.

Mr. SMITH of Georgia. I desire to state to the Senators that I am objecting to all these Senate bills solely because I think it is useless to waste time with them; but in any case where a Senator has a special reason for wishing a bill disposed of, I will withdraw the objection.

PUNISHMENT FOR EMBEZZLEMENT.

The bill (H. R. 21709) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia was considered as in Committee of the Whole. It proposes to amend the Code of Law for the District of Columbia by adding to subchapter 2 of chapter 19 the following section:

SEC. 851a. Whoever shall be guilty of any offense defined in sections 834, 835, 836, 837, and 838 of the Code of Law for the District of Columbia shall, where the thing, evidence of debt, property, proceeds, or profits be of the value of not more than $35, be punished by imprisonment for not more than one year or a fine of not more than $500, or both.

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

WESTERN AVENUE, DISTRICT OF COLUMBIA.

The bill (H. R. 16319) to extend and widen Western Avenue NW., in the District of Columbia, was considered as in Committee of the Whole. It authorizes the Commissioners of the District of Columbia to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of Western Avenue NW. from its present terminus at Beech Street northeastward along the northwestern boundary line of the District of Columbia, with a uniform width of 120 feet, to Rock Creek Park, but the entire amount found to be due and awarded by the jury in such proceedings as damages for and in respect of the land to be condemned for such extension, plus the costs and expenses of the proceedings, shall be assessed by the jury as benefits; and it proposes to appropriate, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings and for the payment of the amounts awarded by the jury as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. SMITH of Georgia. Mr. President, I wish to ask if this bill carries an appropriation; and if so, how much?

Mr. GALLINGER. It is only a trifle—to be repaid from the assessment.

Mr. SMITH of Georgia. I shall not object to it, then.

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

BILLS PASSED OVER.

The bill (S. 234) amending section 2 of an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, was announced as next in order.

Mr. SMITH of Georgia. I ask that that bill and all the other bills on page 13 of the calendar may go over.

The PRESIDENT pro tempore. It will go over.

Mr. BURTON. I should like to have Senate bill 8002 considered. It is a very brief bill.

The PRESIDENT pro tempore. All the other bills on that page, at the request of the Senator from Georgia, will go over.

Mr. JONES. I desire to say to the Senator from Georgia, with reference to Senate bill 7889, that some of the Senators who are interested in that bill think they have the assurance of the committee in the House that they can pass it at this session.

Mr. SMITH of Georgia. Which bill is that?

Mr. JONES. The bill for widening Rhode Island Avenue.

Mr. SMITH of Georgia. Very well.

BYRON W. CANFIELD.

The bill (S. 8002) for the relief of Byron W. Canfield was considered as in Committee of the Whole. It provides that in the administration of the pension laws Byron W. Canfield, late captain Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States on the 30th day of January, 1863, but no pension, bounty, pay, or other pecuniary emolument shall accrue prior to the passage of this act.

Mr. SMITH of Georgia. That is not the bill to which I waived my objection. It was Senate bill 7889.

The PRESIDENT pro tempore. The senior Senator from Ohio asked the Senator from Georgia whether he would waive his objection to Senate bill 8002.

Mr. SMITH of Georgia. I would rather have it go over to-night. The Senator from Florida [Mr. BRYAN] is not here. He has been looking into these matters.

Mr. BURTON. It is not a pension bill.

Mr. SMITH of Georgia. It is not? Then I withdraw my objection.

Mr. BURTON. It is an act of belated justice. An order was made revoking the dismissal in 1868.

The PRESIDENT pro tempore. The objection is withdrawn.

Mr. WILLIAMS. What is that?

The PRESIDENT pro tempore. Order of Business No. 1097, for the relief of Byron W. Canfield.

Mr. WILLIAMS. One moment, Mr. President. I should like to ask the Senator from Ohio whether that is a pension bill, or what is it?

Mr. BURTON. It is not a pension bill, although the person for whose benefit the bill is introduced would be eligible for a pension; not, however, in the past. The man was taken prisoner during the Civil War, and was dismissed in the year 1868 while he was in prison by order of Gen. Grant. He was reinstated, but the department has held the order to be ineffectual.

Mr. WILLIAMS. I did not ask the Senator with a view of getting the details of the bill, but there are a number of pension bills here, several of which have been passed by the House, and general notice has been given that none of them would be permitted to go through by unanimous consent to-night.

Mr. BURTON. This is to correct the military record of the person named.

Mr. CATRON. It is not a pension bill at all. It is to correct a military record.

Mr. WILLIAMS. It ought to apply to all bills of this character. I have no objection to the bill, but it seems to me that we are acting in a manner that is discriminating.

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

JOHN E. JOHNSON.

The bill (S. 7492) for the relief of John E. Johnson was announced as next in order.

The PRESIDING OFFICER. The bill will be passed over.

RHODE ISLAND AVENUE.

The bill (S. 7889) to authorize the widening and opening of Rhode Island Avenue from Fourth Street east to the District line was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment in section 1, page 2, line 9, after the word "benefits," to strike out "not less than one-half thereof shall be assessed against the Washington Railway and Electric Company" and insert "such proportional amount thereof as the jury herein provided shall determine shall be assessed by said jury as benefits against the City and Suburban Railway Company of Washington," so as to make the bill read:

Be it enacted, etc., That, under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the widening and opening of Rhode Island Avenue to it full width of 130 feet, as laid down on the permanent system of highways plan for the District of Columbia, from Fourth Street east northeasterly to the District line: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said widening and opening, plus the costs and expenses of the proceeding hereunder, shall be assessed by the jury as benefits: *Provided further*, That of the amount to be assessed as benefits such proportional amount thereof as the jury herein provided shall determine shall be assessed by said jury as benefits against the City & Suburban Railway Co. of Washington, to be collected as special assessments are collected.

SEC. 2. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceeding taken pursuant hereto and for the payment of amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

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.

HOURS OF LABOR IN THE DISTRICT OF COLUMBIA.

The bill (S. 7723) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise, was announced as next in order.

Mr. McCUMBER. Let the bill go over.

The PRESIDENT pro tempore. The bill is objected to and goes over.

The bill (S. 7051) for the relief of I. H. Aiken was announced as next in order.

Mr. WILLIAMS. What became of Senate bill 7723?

The PRESIDENT pro tempore. It was objected to and went over.

Mr. WILLIAMS. I hope the objection will be withdrawn. This is a bill to regulate the hours of employment of females in the District of Columbia. It is possible that it might get through both Houses before adjournment.

Mr. LA FOLLETTE. There is a very excellent opportunity to have it passed by both Houses. If it could be passed here to-night, there is every reasonable expectation that it would pass the House.

Mr. WILLIAMS. I have known bills originating in one House to be passed there within three days before final adjournment and still they would get through. This is a bill of great public utility. It is a humanitarian bill.

Mr. O'GORMAN. Is there any opposition to it?

Mr. LA FOLLETTE. I do not know from whom the objection came.

Mr. O'GORMAN. I hope there is no objection to it. It is a very worthy measure.

Mr. LA FOLLETTE. I will inquire who made the objection?

Mr. McCUMBER. I made the objection, and I make it again.

Mr. LA FOLLETTE. I just wanted to know, that is all.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

Mr. LA FOLLETTE subsequently said: Mr. President, I ask leave to return to the bill (S. 7723) to regulate the hours of employment and safeguard the health of females employed in the District of Columbia in any mill, factory, manufacturing or mechanical establishment, or workshop, laundry, bakery, printing, clothing, dressmaking, or millinery establishment, mercantile establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of telegraph or telephone messages or merchandise. The Senator from North Dakota [Mr. McCUMBER] made his objection under a misapprehension as to the character of the bill, and he has notified me that he withdraws it.

The PRESIDENT pro tempore. The bill will be read.

The bill was read and considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 1, page 1, line 2, after the enacting clause, to strike out "That no female shall be employed or permitted to work in any mill, factory, manufacturing or mechanical establishment or workshop, including among others any laundry, bakery, printing, clothing, dressmaking, or millinery establishment, store, hotel, restaurant, office, or where any goods are sold or distributed, or by any express or transportation company, or in the transmission or distribution of tele-

graph or telephone messages or merchandise," and insert "That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia," so as to make the section read:

That no female shall be employed in any manufacturing, mechanical, or mercantile establishment, laundry, hotel, or restaurant, or telegraph or telephone establishment or office, or by any express or transportation company in the District of Columbia more than eight hours in any one day or more than six days or more than 48 hours in any one week.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to strike out:

SEC. 3. That where a female is employed in the same day or week by more than one concern or employer in any establishment or occupation named in section 1 of this act, the total time of employment must not exceed that allowed per day or week in a single establishment or occupation. It shall be the duty of the employer to make diligent inquiry as to such previous or other employment of such female employee elsewhere, and as to the hours of such employment. Any person who shall require or permit a female to work between the hours of 6 o'clock in the evening or 7 o'clock in the morning in violation of the provisions of this section shall be liable for a violation thereof, and the employment of such female employee in excess of the total time of employment permitted by law shall be presumed, in the absence of evidence to the contrary, to be with knowledge of such violation.

The amendment was agreed to.

The next amendment was, on page 3, line 8, to change the number of the section from "4" to "3."

The amendment was agreed to.

The next amendment was, on page 3, line 18, to change the number of the section from "5" to "4."

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 4, after the word "section," to strike out "The presence of any such female on the premises at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section," so as to make the section read:

SEC. 4. That every employer shall post and keep posted in a conspicuous place in every room in any establishment or occupation named in section 1 of this act in which any females are employed a printed notice stating the number of hours such females are required or permitted to work on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. The printed form of such notice shall be furnished by the inspectors authorized by this act. The employment of any such female for a longer time in any day than that stated in the printed notice shall be deemed a violation of the provisions of this section. Where the nature of the business makes it impracticable to fix the recess allowed for meals at the same time for all females employed, the inspectors authorized to enforce this act may issue a permit dispensing with the posting of the hours when the recess allowed for meals begins and ends, and requiring only the posting of the total number of hours which females are required or permitted to work on each day of the week and the hours of beginning and stopping such work. Such permit shall be kept by such employer upon such premises and exhibited to all inspectors authorized to enforce this act.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 19, to change the number of the section from "6" to "5"; and, in line 21, after the word "stating," to insert "the wages paid," so as to make the section read:

SEC. 5. That every employer shall keep a time book or record for every female employed in any establishment or occupation named in section 1 of this act, stating the wages paid, the number of hours worked by her on each day of the week, the hours of beginning and stopping such work, and the hours of beginning and ending the recess allowed for meals. Such time book or record shall be open at all reasonable hours to the inspection of the officials authorized to enforce this act. Any employer who fails to keep such record as required by this section, or makes any false statement therein, or refuses to exhibit such time book or record or makes any false statement to an official authorized to enforce this act in reply to any question put in carrying out the provisions of this act shall be liable for a violation thereof.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 8, to change the number of the section from "7" to "6," and in line 9, after the word "inspectors," to insert "two of whom shall be women," so as to make the section read:

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to appoint three inspectors, two of whom shall be women, to carry out the purposes of this act, at a compensation not exceeding $1,200 each per annum.

The amendment was agreed to.

The next amendment was, on page 5, line 12, to change the number of the section from "8" to "7."

The amendment was agreed to.

The next amendment was, in section 8, page 5, line 18, to change the number of the section from "9" to "8," and in line 22, after the word "therein," to insert "and also the provisions of an act entitled 'An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed,' approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also," so as to make the section read:

SEC. 8. That the inspectors authorized by this act shall visit and inspect the establishments and places of employment named in section 1 as often as practicable, during reasonable hours, and shall cause the provisions of this act to be enforced therein and also the provisions of an act entitled "An act to provide that all persons employing female help in stores, shops, or manufactories in the District of Columbia shall provide seats for the same when not actively employed," approved March 2, 1895. They shall make a daily report to the Commissioners of the District of Columbia, and also report any cases of illegal employment contrary to the provisions of this act to the corporation counsel of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 6, line 6, to change the number of the section from "10" to "9."

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to regulate the hours of employment and safeguard the health of females employed in the District of Columbia."

THOMAS B. M'CLINTIC.

The bill (S. 7480) for the relief of the legal representative of Thomas B. McClintic, deceased, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

W. A. KELLY.

The bill (H. R. 25264) for the relief of W. A. Kelly was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

Mr. BRISTOW. That is a House bill, and a very worthy case. There is a Member of the House very much interested in it.

Mr. WILLIAMS. I withdraw the objection.

The PRESIDENT pro tempore. The objection is withdrawn.

The bill was read and considered as in Committee of the Whole. It proposes to pay $50 to W. A. Kelly, postmaster at West Frankfort, Ill., to reimburse him for postal savings stamps stolen while in the custody of the post office at West Frankfort, Ill.

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

BILLS PASSED OVER.

The bill (H. R. 21315) for the relief of Robert Ross was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

Mr. WILLIAMS. I want to explain why I object to it. There has been a general direction left here to object to all pension bills, and it seems to me it ought to be carried clear through.

Mr. BRISTOW. This is a House bill.

Mr. WILLIAMS. It ought not to be respected at all, one way or the other.

Mr. BRISTOW. This is not a pension bill. It is to correct a military record.

Mr. WILLIAMS. I know; but that means the pension, of course.

The PRESIDENT pro tempore. The next bill will be stated.

CHARLES DUDLEY DALY.

The bill (S. 7747) for the relief of Charles Dudley Daly was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles Dudley Daly to the grade of first lieutenant of Field Artillery, United States Army, to take rank on the list of first lieutenants of Field Artillery next after the name of Charles P. Hollingsworth, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

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.

MARION B. PATTERSON.

The bill (S. 3201) for the relief of Marion B. Patterson was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. GAMBLE. I hope the Senator from Kansas will withdraw his objection. It is a very meritorious bill.

Mr. BRISTOW. I can not withdraw it. The bill would lead to a very long discussion.

The PRESIDENT pro tempore. The bill will go over.

Mr. GAMBLE. The junior Senator from Colorado withdraws his objection to Order of Business 1033, Senate bill 110.

The PRESIDENT pro tempore. The bill will be read.

Mr. SMITH of Georgia. We have already passed upon it. I think the objection had better stand.

The PRESIDENT pro tempore. Objection is made.

RALPH E. HESS.

The bill (H. R. 12131) for the reimbursement of Ralph E. Hess for two horses lost while hired by the United States Geological Survey was considered as in Committee of the Whole. It proposes to pay to Ralph E. Hess, of Visalia, Cal., the sum of $150 in compensation for two horses lost while hired by the United States Geological Survey.

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

BARKLEY S. DENISON.

The bill (H. R. 11627) to correct the military record of Barkley S. Denison was considered as in Committee of the Whole.

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

ROCKEFELLER FOUNDATION.

The bill (H. R. 21532) to incorporate the Rockefeller Foundation was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

ROSEBUD INDIAN RESERVATION.

Mr. GAMBLE. The junior Senator from Georgia withdraws his objection to Order of Business 1033, Senate bill 110, and I would be very glad to have it disposed of.

Mr. BRISTOW. That is a long bill, and a Senate bill. Why should we waste time on it?

Mr. GAMBLE. I should like to have it disposed of. It is in the usual form.

Mr. BRISTOW. We have been kept here a long time.

Mr. SMITH of Georgia. It can be read very rapidly.

Mr. GAMBLE. It can be read rapidly because it is in the usual form.

The PRESIDENT pro tempore. The most of the bill has been read.

Mr. GAMBLE. I think the bill has been largely read.

The bill (S. 110) to authorize the sale and disposition of a portion of the surplus and unallotted lands in Todd and Bennett Counties, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, page 2, line 15, after the word "*Provided*," to strike out "That any Indians to whom allotments have been made on the tract to be ceded may, in case they elect to do so before said lands are offered for sale, relinquish same and select allotments in lieu thereof on the diminished reservation: *And provided further*," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell and dispose of all that portion of the Rosebud Indian Reservation in the State of South Dakota lying and being within the counties of Todd and Bennett, described as follows, to wit: Commencing at a point on the boundary line between the States of South Dakota and Nebraska where the third guide meridian west intersects the same; thence north on said guide meridian to a point where the same intersects the township line between townships 39 and 40; thence west on said township line to a point where the same intersects the boundary line between the Rosebud and Pine Ridge Indian Reservations; thence south on said boundary line between said reservations to a point where the same intersects the State line between the States of South Dakota and Nebraska; thence east along said State line to the place of beginning, except such portions thereof as have been or may be hereafter allotted to Indians or otherwise reserved and except lands classified as timber lands: *Provided*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other authority, of any religious organization heretofore engaged in mission or school work on said reservation for such lands thereon (not included in any town site hereinafter provided for) as have heretofore been set apart to such organization for mission or school purposes.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 11, after the word "prescribe," to strike out "and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued by the Secretary of the Interior for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes, upon receiving satisfactory evidence that said towns have been duly incorporated"; in line 22, after the word "direct," to strike out ", and he shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located"; and on page 5, line 3, after the word "aforesaid," to strike out "less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements," so as to make the section read:

SEC. 3. That before any of the land is disposed of, as hereinafter provided, and before the State of South Dakota shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of section 16 or 36, or any portion thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of under such regulations as he may prescribe. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid shall be credited to the Indians, as hereinafter provided.

The amendment was agreed to.

The next amendment was, in section 7, page 8, line 11, after the word "Indians," to strike out "shall be at all times subject to appropriation by Congress for their education, support, and civilization" and insert "including the interest thereon, may be expended for their benefit or distributed per capita, in the discretion of the Secretary of the Interior," so as to make the section read:

SEC. 7. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at 3 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of said Indians, including the interest thereon, may be expended for their benefit or distributed per capita, in the discretion of the Secretary of the Interior.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to authorize the sale and disposition of the surplus and unallotted lands in Todd County, in the Rosebud Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect."

S. W. FENTON.

Mr. WILLIAMS. If it is in order, I ask the attention of the Senator from Kansas. If it is in order, I want to withdraw the objection I made to the bill (S. 4669) for the relief of S. W. Fenton.

Mr. BRISTOW. I am very much obliged to the Senator.

Mr. WILLIAMS. I want to explain why I withdraw it. I made the objection because I thought it was exceedingly unfair to have a general direction left such as that was and then to have bills that would terminate in the same object passed. But upon second thought it is not my business to be correcting it, and I withdraw the objection.

Mr. BRISTOW. Thank you.

I ask to return to Senate bill 4669, for the relief of S. W. Fenton.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments.

The amendments of the Committee on Claims were, in line 4, after the name "Fenton," to insert "R. L. Fenton and Richard Wallace," and, in line 7, after the word "dollars," to insert "in such amount to each respectively as the Postmaster General shall determine," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to S. W. Fenton, R. L. Fenton, and Richard Wallace, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, in such amount to each respectively as the Postmaster General shall determine, and said sum of $1,000 is hereby appropriated as reward for their services in capturing a robber who held up a train of the Missouri, Kansas & Texas Railroad Co. near Okesa, Okla., on October 4, 1911, and who robbed the United States mail thereon, in violation of the provisions of section 197, Penal Code, act of March 4, 1909.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill for the relief of S. W. Fenton, R. L. Fenton, and Richard Wallace."

ROBERT ROSS.

Mr. BRISTOW. I should like to return to the bill (H. R. 21315) for the relief of Robert Ross. It is a very short bill, and the objection has been withdrawn.

Mr. SMITH of Georgia. I object.

The PRESIDENT pro tempore. Objection is made.

JOHN C. SULLIVAN.

The bill (H. R. 18294) for the relief of John C. Sullivan was considered as in Committee of the Whole. It authorizes the Secretary of War to reopen and reaudit the account of John C. Sullivan, of Oswego, N. Y., the contractor for the heating apparatus at Fort Ontario, N. Y., and if it shall appear that an unintentional mistake has been made on the part of said Sullivan or on the part of the officers of the War Department, that the amount of the claim found to be justly and equitably due said Sullivan, not exceeding $1,108.40, be, and the same is hereby, appropriated to pay said claim, out of any money in the Treasury not otherwise appropriated.

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

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 27874) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMOOT. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. SMOOT. The next two bills are pension bills, and they will go over.

The PRESIDENT pro tempore. The bills will be passed over.

MISSISSIPPI BRIDGE, MINNEAPOLIS, MINN.

The bill (S. 8377) to authorize the Northern Pacific Railway Co., its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River in Minneapolis, Hennepin County, Minn., was considered as in Committee of the Whole.

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

ROBERT ROSS.

Mr. BRISTOW. I desire to state that the Senator from Georgia has withdrawn his objection to the bill for the relief of Robert Ross.

The PRESIDENT pro tempore. The bill will be read.

The bill (H. R. 21315) for the relief of Robert Ross was read and considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 9, after "1862," to strike out "and that a certificate of honorable discharge from the United States Army be issued to him," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Robert Ross, now a resident of Ryan, Ky., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, Sixty-first Regiment Pennsylvania Volunteer Infantry, on the 28th day of December, 1862: *Provided*, That no pension, emoluments, or allowances of any description shall accrue by reason of this act prior to date of approval thereof.

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.

PUBLIC HEALTH SERVICE.

Mr. OWEN. The Senate passed a short time ago the bill (S. 7722) to promote the efficiency of the Public Health Service, and the Senator from Florida [Mr. FLETCHER] offered an amendment to which I objected at the time. I wish to withdraw the objection with a like change. I should like to have it read.

Mr. SMOOT. The bill passed with certain amendments, and when the bill passed the Senator from Florida had an amendment, which he offered.

Mr. OWEN. The Senator from Florida had an amendment, which he offered, and I objected to it.

Mr. SMOOT. I will object to the amendment, so there is no need of reconsidering it.

The PRESIDENT pro tempore. Objection is made. What was the request of the Senator from Oklahoma?

Mr. OWEN. That we again return to the consideration of the bill (S. 7722) to promote the efficiency of the Public Health Service.

Mr. SMOOT. That bill has been passed with certain amendments.

Mr. OWEN. Yes; it passed; and the Senator from Florida [Mr. FLETCHER] had an amendment, which he offered to the bill and to which I objected.

Mr. SMOOT. I shall object to the amendment, so there is no need of reconsidering the vote by which the bill was passed.

MISSISSIPPI RIVER BRIDGE, BATON ROUGE, LA.

The bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La., was considered as in Committee of the Whole.

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

BILLS PASSED OVER.

The bill (S. 13) to regulate the practice of pharmacy and the sale of poisons in the consular districts of the United States in China was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 279) providing for the return of certain duties incorrectly collected on cutch was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 276) to create a tariff board was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny was announced as next in order.

Mr. CRAWFORD. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

HOMESTEADERS ON COEUR D'ALENE RESERVATION.

The joint resolution (H. J. Res. 326) providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho, was considered as in Committee of the Whole. It proposes that the provisions of an act of Congress approved April 15, 1912, authorizing the extension of time within which to make payments of certain moneys by homestead entrymen upon the Coeur d'Alene Indian Reservation, in the State of Idaho, be extended and held to apply to payments that became due prior to the passage of the act under the same conditions that apply to payments becoming due subsequent to the passage of the law, but this shall not affect any valid adverse claim initiated prior to the passage of the resolution.

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

PURCHASE OF LANDS BY NEVADAVILLE, COLO.

The bill (S. 8130) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with amendments.

The first amendment was, on page 3, after line 20, to strike out section 2, as follows:

SEC. 2. That within one year after the passage of this act granting the foregoing-described property to the town of Nevadaville said town may purchase said lands by payment of the purchase price therefor, and the Secretary of the Interior is authorized and directed to cause the same to be patented to said town.

And in lieu thereof to insert:

SEC. 2. That within one year after the survey of the foregoing-described property proposed to be granted to the town of Nevadaville, said town may purchase said lands by paying the amounts prescribed in section 1 hereof, and the Secretary of the Interior is authorized and directed to cause the same to be patented to said town.

The amendment was agreed to.

The next amendment was, in section 3, page 5, line 1, before the word "used" to insert "so," so as to make the proviso read:

Provided, That the lands to be purchased as hereinbefore set forth and all portions thereof shall be held and used by said grantee for the purposes herein specified, and in case the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

LANDS IN TEXAS.

The bill (H. R. 27875) authorizing the President to convey certain lands to the State of Texas was considered as in Committee of the Whole. It authorizes the President of the United States to direct the Secretary of the Interior to convey to the State of Texas, for the use of the State experimental station in connection with the agricultural research and demonstration work, such portions of the old Fort Brown Military Reservation as he may deem advisable, and provides that should the State of Texas at any time fail or refuse to use the property authorized to be conveyed for the purposes above set out it shall revert to the United States.

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

CERTIFIED CHECKS.

The bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues was considered as in Committee of the Whole. It provides that it shall be lawful for collecting officers to receive certified checks drawn on national and State banks and trust companies, during such time and under such regulations as the Secretary of the Treasury may prescribe, in payment for duties on imports, internal taxes, and all public dues, including special customs deposits; and proposes accordingly to amend the act of March 2, 1911, entitled "An act to authorize the receipt of certified checks for duties on imports and internal taxes."

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

BILLS PASSED OVER.

The bill (S. 8324) to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list was announced as next in order.

Mr. CRAWFORD. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 7060) for the relief of Samuel H. Walker was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

JAMES PARSONS.

The bill (H. R. 24661) for the relief of James Parsons was considered as in Committee of the Whole. It provides that in the administration of the pension laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James Parsons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant of Company D, Second Regiment Colorado Volunteer Cavalry, but no pension shall accrue prior to the passage of this act.

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

LOUISIANA DISTILLERY CO. (LTD.)

The bill (H. R. 12339) to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $194.40 to the Louisiana Distillery Co. (Ltd.), of New Orleans, La., as a refund payment for excessive duty paid on importation of molasses.

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

SPARROW GRAVELY TOBACCO CO.

The bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, was considered as in Committee of the Whole. It proposes to appropriate $176.99 to reimburse said Sparrow Gravely Tobacco Co., that sum having been erroneously paid by the company to the United States Government.

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

The preamble was rejected.

BILLS PASSED OVER.

The bill (S. 7826) to provide for the participation of the United States in the Panama-Pacific International Exposition was announced as next in order.

Mr. ROOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill goes over.

The bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 4662) for the relief of Charles Richter was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

MATHEW T. FULLER.

The bill (H. R. 16993) for the relief of Mathew T. Fuller was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

Mr. WILLIAMS. I hope the Senator from Georgia will not object to that bill. It is not in the same category as other bills.

Mr. SMITH of Georgia. I withdraw my objection.

Mr. WILLIAMS. The only responsibility I have is that I was on the subcommittee which reported it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "Infantry," to insert: "*Provided*, That no pension shall accrue or become payable prior to the passage of this act"; so as to make the bill read:

Be it enacted, etc., That in the administration of pension laws, Mathew T. Fuller shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier at the time of his capture by the enemy while serving as a member of Company D, Sixty-fifth Regiment Indiana Volunteer Infantry: *Provided*, That no pension shall accrue or become payable prior to the passage of this act.

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.

BILLS PASSED OVER.

The bill (S. 6775) to grant an honorable discharge to David Steers was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 8454) to amend section 914 of the Revised Statutes was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

Mr. O'GORMAN. What is that bill?

Mr. ROOT. Mr. President——

Mr. CRAWFORD. I will not object to the consideration of that bill.

Mr. ROOT. The junior Senator from New York asked what it was.

Mr. O'GORMAN. Yes.

Mr. ROOT. That is a bill to give the Supreme Court the same authority regarding rules in common law as in equity.

Mr. O'GORMAN. We are all agreed as to the wisdom of passing that bill.

Mr. ROOT. The Committee on the Judiciary are all agreed upon the wisdom of it. It is very simple.

Mr. BRISTOW. I will say that I was requested by a Senator who has left the Chamber to ask that the bill go over.

Mr. ROOT. I am very sorry.

The PRESIDENT pro tempore. The bill goes over.

EXECUTION OF JUDGMENT.

The bill (S. 3194) to revise section 985 of the Revised Statutes of the United States was announced as next in order.

Mr. SMITH of Georgia. That bill can not possibly pass at this time.

Mr. POMERENE. I hope the Senator from Georgia will withdraw his objection. It relates simply to the matter of execution.

Mr. SMITH of Georgia. I thought it could not possibly pass the House.

Mr. POMERENE. I am not so sure that it can not.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, in section 1, page 1, line 5, after the word "amended," to strike out

"so as to read as follows" and to insert "by adding thereto the following," and on page 1, after line 6, to strike out:

SEC. 985. All writs of execution upon judgments or decrees heretofore or hereafter obtained in a circuit or district court of the United States in any State, and now or hereafter in force, may run and be executed in any district in that State or in any district of any other State or in any Territory, and such writ shall be issued from and be made returnable to the court wherein the judgment was obtained; but in case the writ is issued to another district in the same State, it may be executed by the marshal of the district wherein the judgment was obtained or by the marshal of the district wherein property is sought to be seized, and may be addressed to the marshal of said district or to "any marshal of the United States," and executions may be issued to different marshals at the same time, but there shall be but one satisfaction. In every case, before the clerk of any such court shall be required to issue such writ for execution outside of his district and before any marshal shall be required to execute such writ, the judgment creditor shall deposit with the clerk sufficient money to cover all costs likely to be incurred in the execution of said writ, and the clerk shall indorse on said writ that said amount to cover said costs is so on deposit, and on return of said writ, which may be returned by mail, said clerk shall forthwith transmit to said marshal the proper amount of costs due him.

And in lieu thereof to insert:

Whenever it is sought to execute any judgment or decree, for the payment of money, heretofore or hereafter rendered or entered in any circuit or district court of the United States in any district of any other State than the one in which the judgment or decree has been or shall be rendered or entered, the party or parties entitled to satisfaction may file in the office of the clerk of the district court of the United States in the district in which execution is sought a duly certified copy of such judgment or decree, with proof that there has been no satisfaction; and thereupon, after due application, the clerk shall issue an execution, directed to the marshal of that district, and it shall have the same force and effect, and all proceedings relating thereto, the levy thereof, the sale of property thereunder, and the rights of all persons affected shall be the same as though the judgment or decree had been rendered or entered by the court in the district in which the certified copy thereof is filed.

So as to make the section read:

Be it enacted, etc., That section 985 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"Whenever it is sought to execute any judgment or decree for the payment of money, heretofore or hereafter rendered or entered in any circuit or district court of the United States in any district of any other State than the one in which the judgment or decree has been or shall be rendered or entered, the party or parties entitled to satisfaction may file in the office of the clerk of the district court of the United States in the district in which execution is sought a duly certified copy of such judgment or decree, with proof that there has been no satisfaction; and thereupon, after due application, the clerk shall issue an execution, directed to the marshal of that district, and it shall have the same force and effect, and all proceedings relating thereto, the levy thereof, the sale of property thereunder, and the rights of all persons affected shall be the same as though the judgment or decree had been rendered or entered by the court in the district in which the certified copy thereof is filed."

The amendment was agreed to.

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

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

CONVEYANCES OF LAND IN NEVADA.

The bill (S. 7600) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada was announced as next in order.

Mr. ROOT. I think that bill had better go over.

Mr. O'GORMAN. I hope there will be no objection interposed to the consideration of that bill. The Senator will remember that the bill was unanimously reported by the Judiciary Committee. It is a bill introduced by the then Senator from Nevada, Mr. Massey, and the Senator from Nevada [Mr. NEWLANDS] and his colleague [Mr. PITTMAN] from Nevada are extremely desirous of having the bill passed at this session, if it is possible to have it acted upon. There is no objection to it. It is similar to a bill that we enacted a year ago.

Mr. NEWLANDS. I hope that the bill may be considered.

Mr. ROOT. I will withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 1, line 3, before the word "agreements," to insert "written"; in line 4, after the word "by," to insert "the Central Pacific Railway Co. of California"; in line 6, after the word "company," to strike out "or the Southern Pacific Co., or the Contract & Finance Co."; on page 2, line 7, before the word "agreements," to insert "written"; and in line 12, after the words "conveyances or," to insert "written," so as to make the section read:

That all conveyances or written agreements heretofore made by the Central Pacific Railroad Co. of California, the Central Pacific Railroad Co., or the Central Pacific Railway Co., or the Pacific Improvement Co., or the successors or assigns of any of them, of or concerning land forming a part of the right of way of said companies, or either of them, granted by the Government by the act of Congress of July 1, 1862, entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes," and all other acts of Congress amendatory thereof or supplemental thereto, and also all conveyances or written agreements heretofore made by said companies, or either of them, or the successors or assigns of any of them, of or concerning land forming a part of the right of way, and within the State of Nevada, of any of said companies granted by or held under any act of Congress, and all conveyances or written agreements confining the limits of said right of way, or restricting the same, are hereby legalized, validated, and confirmed to the extent that the same would have been legal or valid if the land involved therein had been held by the corporation or person making such conveyance or agreement under absolute or fee-simple title.

The amendments were agreed to.

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

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

WALLKILL VALLEY CEMETERY ASSOCIATION, N. Y.

The bill (H. R. 28469) granting two condemned cannon to the Wallkill Valley Cemetery Association, of Orange County, N. Y., was considered as in Committee of the Whole.

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

CHARLES S. KINCAID.

The bill (H. R. 26078) for the relief of Charles S. Kincaid was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

Mr. KENYON. I hope the Senator will not object to that bill. It is similar in all respects to 10 or 12 bills that have been passed to-night. It is not a pension bill.

Mr. SMITH of Georgia. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, after the word "late," to strike out "of Company A, Thirty-seventh Regiment Iowa Volunteer Infantry; Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry; and"; and, in line 6, after the word "captain," to strike out "Company B," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Charles S. Kincaid, late captain Third Regiment Arkansas Volunteer Infantry, African descent, subsequently known as the Fifty-sixth Regiment United States Colored Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said Third Regiment Arkansas Volunteer Infantry on the 2d day of August, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. KENYON. I hope the Senate will not agree to the committee amendment. The amendment merely strikes out some descriptive words that are useless, perhaps, in the bill, but they can do no harm.

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

The amendment was rejected.

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

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 6675) to grant an honorable discharge to Philip Cook was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (H. J. Res. 118) authorizing the Secretary of War to accept the title to approximately 5,000 acres of land in the vicinity of Tullahoma, in the State of Tennessee, which certain citizens have offered to donate to the United States for the purpose of establishing a maneuver camp and for the maneuvering of troops, establishing and maintaining camps of instruction, for rifle and artillery ranges, and for mobilization and assembling of troops from the group of States composed of Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, and South Carolina, was announced as next in order.

Mr. JOHNSTON of Alabama. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (H. R. 20048) declaring that all citizens of Porto Rico and certain natives permanently residing in said island shall be citizens of the United States was announced as next in order.

Mr. SMOOT. At the request of the Senator from Arkansas [Mr. CLARKE], I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5107) for the relief of W. D. McLean, alias Donald McLean, was announced as next in order.

Mr. CRAWFORD. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LUMBER RIVER BRIDGE, LUMBERTON, N. C.

The bill (S. 8565) 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., was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, in section 1, page 1, line 8, after "North Carolina," to insert "at a point suitable to the interests of navigation," so as to make the section read:

Be it enacted, etc., That the Virginia & Carolina Southern Railroad Co., a corporation organized under the laws of the State of North Carolina, is hereby authorized to construct, maintain, and operate a bridge and approaches across the Lumber River, at or near the town of Lumberton, or North Lumberton, State of North Carolina, at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906.

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

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.

W. D. M'LEAN.

Mr. STONE. Do I understand that the bill (S. 5107) for the relief of W. D. McLean, alias Donald McLean, was objected to?

Mr. CRAWFORD. I objected to it simply on the ground that it is a Senate bill, and of course it can not possibly get through the House.

Mr. STONE. There is a possibility, I will say to the Senator, of its getting through.

Mr. CRAWFORD. Then I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws W. D. McLean, alias Donald McLean, who was a sergeant in Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and sergeant of Company F, Tenth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named regiment on the 1st day of November, 1864.

Mr. LEA. On behalf of the committee I offer the amendment to the amendment.

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

The SECRETARY. At the end of the amendment of the committee it is proposed to add the following:

Provided, That no pension shall accrue prior to the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended 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.

PHILIP COOK.

Mr. CRAWFORD. I understand it is desired that the bill (S. 6675) to grant an honorable discharge to Philip Cook, to which I objected, be passed. It is the same kind of a bill as the one just acted upon, and I will withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 3d day of August, 1865.

Mr. LEA. On behalf of the committee I offer the amendment to the amendment.

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

The SECRETARY. At the end of the bill it is proposed to insert:

Provided, That no pension shall accrue prior to the passage of this act.

The amendment to the amendment was agreed to.

The amendment as amended 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.

The title was amended so as to read: "A bill for the relief of Philip Cook."

PEND OREILLE RIVER BRIDGE.

The bill (S. 8310) to authorize the construction of a bridge across the Pend Oreille River opposite the town of Newport, Wash., was announced as next in order.

Mr. POINDEXTER. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will go over.

LIEN FOR TAXES.

The bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 2, line 3, after the word "collector," to strike out "in the office of the registrar or recorder of deeds of the county or counties, or parish or parishes in the State of Louisiana" and insert "in the office of the clerk of the district court of the district"; and, in lines 8 to 12, to strike out the following proviso: "*Provided further*, That the provision herein relating to the filing of notice shall be applicable whenever, and only whenever, the laws of the State wherein the property is situated shall authorize the filing of such notice in the office of the registrar or recorder of deeds as provided herein," so as to make the bill read:

That section 3186 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time when the assessment list was received by the collector, except when otherwise provided, until paid, with the interest, penalties, and costs that may accrue in addition thereto upon all property and rights to property belonging to such person: *Provided, however*, That such lien shall not be valid as against any mortgagee, purchaser, or judgment creditor until notice of such lien shall be filed by the collector in the office of the clerk of the district court of the district within which the property subject to such lien is situated."

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PROBATION SYSTEM IN UNITED STATES COURTS.

The bill (S. 2890) for the establishment of a probation system in the United States courts, except in the District of Columbia, was announced as next in order.

Mr. CRAWFORD. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

MISSOURI RIVER BRIDGE AT WELDON SPRINGS LANDING, MO.

Mr. STONE. Mr. President, I ask the Senator from South Dakota to withdraw his objection to Senate bill 8443.

Mr. CRAWFORD. I will do it. I do not see the use of passing these Senate bills, however.

Mr. STONE. This is a bill for the construction of a bridge that must go through.

The PRESIDENT pro tempore. The objection is withdrawn. The bill will be read.

The bill (S. 8443) 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., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with an amendment to strike out all of section 1 and insert:

That the time for commencing and completing the construction of the bridge authorized by the act of Congress approved August 10, 1911, to be built across the Missouri River at or near the town of Weldon Springs Landing, in the State of Missouri, is hereby extended to one year and three years, respectively, from date of approval hereof.

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.

The title was amended so as to read: "A bill to extend the time for constructing a bridge across the Missouri River at or near the town of Weldon Springs Landing, Mo."

JOHN H. FESENMEYER.

The bill (S. 7854) for the relief of John H. Fesenmeyer, alias John Wills, was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

IOWA JUDICIAL DISTRICTS.

The bill (H. R. 28635) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes, was considered as in Committee of the Whole.

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

BILLS AND JOINT RESOLUTION PASSED OVER.

The bill (S. 4957) for the relief of Simon M. Preston was announced as next in order.

Mr. SMITH of Georgia. That is a Senate bill. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. SMITH of Georgia. I understand there is no chance to put it through. I make the objection simply to save time.

The 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, was announced as next in order.

Mr. SMITH of Georgia. We can not do anything with that, either.

Mr. O'GORMAN. I think that ought to go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution will go over.

The bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

OFFICERING AND MANNING OF VESSELS.

The bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 3, section 2, line 4, after the word "every," to strike out "ocean-going" and insert "ocean," and in line 5, after the word "coastwise," to insert "sea-going," so as to make the clause read:

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean and coastwise sea-going merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN H. HOWLETT.

The bill (S. 228) for the relief of John H. Howlett was announced as next in order.

Mr. CRAWFORD. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

That concludes the printed calendar. There are certain bills reported to-day, which, without objection, will now be taken up.

ALONZO D. CADWALLADER.

The bill (H. R. 24296) for the relief of Alonzo D. Cadwallader was announced as next in order.

The Secretary read the bill.

Mr. SMITH of Georgia. Is that a new bill?

Mr. SMOOT. Mr. President, does that mean that the soldier did not serve 90 days, and that now we are going to place him on the pension rolls?

Mr. POMERENE. To whom is the question addressed?

Mr. SMOOT. Whoever reported the bill; I do not know.

Mr. POMERENE. It was reported by Mr. CATRON, from the Committee on Military Affairs, to-day.

Mr. SMOOT. He is not here. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

COURT LIBRARIES FOR NORTHERN DISTRICT OF OHIO.

The bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district was considered as in Committee of the Whole.

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

SAMUEL BUTTER & CO.

The bill (H. R. 20511) for the relief of Samuel Butter & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 3, before the word "be," to strike out "Navy" and insert "Treasury," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse in the sum of $11,709.69 to Samuel Butter & Co., of the city of Boston, Mass., the same being on account of an overpayment by the said Samuel Butter & Co., and in excess of the value of certain condemned property sold and delivered to them by the United States.

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.

BILLS PASSED OVER.

The bill (S. 8497) to repeal section 3 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1900," was announced as next in order.

Mr. SMITH of Georgia. What is that bill?

The PRESIDENT pro tempore. The bill has been reported by the Senator from Florida [Mr. BRYAN] from the Committee on Post Offices and Post Roads.

Mr. SMITH of Georgia. I understand what it is, then. There is a provision of law with reference to a bridge at St. Louis, which, in the opinion of the Post Office Department, put an unjust burden on the Government. We have rectified it in our appropriation bill by declining to appropriate more than a certian sum—the sum we thought ought to be appropriated. This bill is to repeal the other law.

Mr. WILLIAMS. What is the calendar number of the bill?

The PRESIDENT pro tempore. It has just been reported to-day.

Mr. SMITH of Georgia. It has reference to mail service only. There is a statute authorizing the Postmaster General to pay $50,000 a year, or so much thereof as may be necessary, for the transportation of the Government mail from East St. Louis to central St. Louis. The Post Office Committee had this matter up before the Senate last year, and again this year. Last year we cut the appropriation to $35,000. This year we cut it to $20,000. There is a general law that authorizes the Postmaster General to go to $50,000. We think that law ought not to stand; that the $20,000 is ample. This bill is to conform the general law to the appropriation we passed this year, and repeal the provision of the general law that authorizes the payment of $50,000.

Mr. STONE. I should like to have an opportunity to examine that bill.

Mr. WILLIAMS. I should rather have it passed over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SMITH of Georgia subsequently said: Mr. President, the Senator from Missouri [Mr. STONE] withdraws his opposition to this post-office bill. It is just an effort on the part of the Post Office Committee to protect the general law, to repeal a possible arbitrary and unjust payment of rates.

Mr. WILLIAMS. I think that is the same bill to which I objected, is it not?

The PRESIDENT pro tempore. It is.

Mr. WILLIAMS. I think it is rather a bad precedent, anyhow, to bring up a lot of bills that are not upon the calendar, that nobody can understand. I think I shall object to all of these bills.

The PRESIDENT pro tempore. The bill will go to the calendar.

The bill (H. R. 25781) to amend section 77 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911," was announced as next in order.

Mr. BRISTOW. What is that bill? I do not understand the nature of it.

The PRESIDENT pro tempore. The bill will be read. The title does not disclose the nature of the bill.

The Secretary read the bill.

Mr. SMOOT. Let the bill go over.

ERNEST C. STAHL.

The bill (S. 7620) for the relief of Ernest C. Stahl was considered as in Committee of the Whole. It provides that in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, Ernest C. Stahl shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant serving in the Colored Infantry of the United States at Alexandria, Va., on January 12, 1866, but no back pay, bounty, or pension shall become due or available by virtue of the passage of this act.

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

SEVERIN AND BERTHE L. EVENSEN.

Mr. CRAWFORD. I ask unanimous consent to consider Order of Business 1070, being Senate bill 7878. I will say that I have no hope of its passing the House, but it is a worthy bill, and I want the Senate to act on it.

Mr. LEA. I ask that one more bill on the calendar be reported, and that the title be read, at least.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. The Chair understood the Senator from Mississippi to object to the consideration of bills not upon the printed calendar.

Mr. WILLIAMS. We have several days remaining in the session yet, and I would rather that the bills should go upon the calendar and be printed upon the calendar, so that we may know what they provide.

Mr. CRAWFORD. This bill is on the calendar.

Mr. WILLIAMS. Probably I may have no objection to the bill which the Senator from Tennessee [Mr. LEA] mentions, and none to a bill which I understand the Senator from Maine [Mr. JOHNSON] desires to have acted upon.

Mr. JOHNSON of Maine. I am sure the Senator would not object if he understood the bill.

Mr. WILLIAMS. It is a bad precedent, however. We can not be too careful about following the usual rules, so that we may know what is going on. It might be that bad bills might slip through in this way. So I shall object to all bills that are not printed upon the calendar.

The PRESIDENT pro tempore. The bills that have not been acted upon will go to the calendar.

Mr. CRAWFORD. I ask the Senate to consider the bill (S. 7878) for the relief of Severin and Berthe L. Evensen, dependent parents of Sigurd Evensen.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Severin Evensen and Berthe L. Evensen, dependent parents of Sigurd Evensen, who was killed on the U. S. S. *Neptune* while employed in coaling the same at Melville, R. I., on the 18th of October, 1911, through an accident which occurred without negligence or misconduct of said Sigurd Evensen, the sum of $1,000.

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

SEAMEN IN THE MERCHANT MARINE.

Mr. WILLIAMS. I wish to make an inquiry as to what became of House bill 23673.

The PRESIDENT pro tempore. The bill went over on objection.

Mr. SMOOT. It went over under objection.

Mr. WILLIAMS. I am very sorry if that is the case. It is a bill that abolishes involuntary servitude in the merchant marine.

Mr. SMOOT. I think there were some Senators interested in the bill who are absent, and they desire to be here when it is considered.

Mr. SMITH of Georgia. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock midnight) the Senate adjourned until Friday, February 28, 1913, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 27, 1913.*

The House met at 10.30 o'clock a. m.

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

O Lord our God and our Father, whose tender mercies and loving kindness have been over Thy children from the beginning, shaping, guiding their destiny, continue, we beseech Thee, Thy care over us; give us plenteously of Thy grace that we may do justly, love mercy, and walk humbly with Thee, and hallow Thy name day by day. In the spirit of the Master. Amen.

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

Mr. FITZGERALD, Mr. STEPHENS of Texas, and Mr. SPARKMAN rose.

The SPEAKER. The situation about this matter is there are three or four conference reports here, and the gentleman from New York [Mr. FITZGERALD] says it will not take over 30 minutes to get through with the deficiency bill, and while the Chair wants to expedite these matters he believes it will expedite business by allowing this bill to go on and therefore he will recognize the gentleman from New York.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. 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. 28858, the general deficiency 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. 28858, the general deficiency bill, with Mr. ADAIR in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the fiscal year 1913, $75,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word of line 23. I notice this is a provision for deficiencies in the contingent fund of $75,000. May I ask first whether it is likely to be enough? Later in the bill you provide for the members elect of the present Committee on Ways and Means to expend not exceeding $10,000 out of the contingent fund, and then again still later the next paragraph authorizes an expenditure of some more money out of the contingent fund by the members elect of the Committee on the District of Columbia. Will this $75,000 be sufficient to pay the bills outstanding and incurred especially for the investigating committees and leave enough in the fund to take care of this $10,000 for the Ways and Means Committee and whatever sum may be required by the District Committee? I question whether that has been fully covered.

Mr. FITZGERALD. The chairman of the Committee on Accounts, from the best information that can be gathered from the several committees authorized to expend money out of the contingent fund, states that there has been contracted for and will be expended on those authorizations between $50,000 and $60,000. That would leave from $10,000 to $15,000 margin, which should take care of the items to which the gentleman refers.

Mr. MANN. Well, I should think it would be quite certain there will be some other expenses, and I take it it is desirable to give the gentleman from Alabama sufficient funds to do the work which he contemplates doing during the vacation before the extra session meets. It ought not to be stopped by lack of funds.

Mr. FITZGERALD. I think there will not be any lack of funds for this reason.

Mr. UNDERWOOD. Mr. Speaker, I was otherwise engaged at the moment; was the gentleman referring to an item in reference to the Ways and Means Committee?

Mr. MANN. Only whether there was money enough to meet it; nobody questioned the item. I was endeavoring to ascertain whether there was money enough in the contingent fund to meet it. Has the gentleman a list of the expenditures which have been incurred by the investigating committees which have not yet been paid?

Mr. FITZGERALD. We asked the Committee on Accounts to furnish that information. The District Committee was authorized to expend by House resolution 230, $5,000; by House resolution 536, $10,000; by House resolution 756, $10,000; in all, $25,000; and they expended out of the $25,000, $9,897.83. That would leave a little over $15,000.

Mr. MANN. There was only one resolution——

Mr. FITZGERALD. There are three resolutions.

Mr. JOHNSON of Kentucky. I can explain that.

Mr. MANN. I am not questioning the proposition, except whether there is money enough.

Mr. JOHNSON of Kentucky. There is nothing asked of one $10,000 appropriation. The committee spent less than $3,000, and that leaves more than $7,000 for an unexpended balance.

Mr. MANN. That will not be required.

Mr. JOHNSON of Kentucky. Not at all.

Mr. FITZGERALD. The Committee on Banking and Currency was authorized by House resolutions 465 and 519 to expend $60,000, and has expended $22,318.05 and has outstanding obligations in the neighborhood of $40,000, so that they will take the entire $37,601 of the balance not yet drawn. Merchant Marine and Fisheries, by House resolution 470, was authorized to spend $25,000, and has expended $9,145.48, leaving an unexpended balance of $15,854.52.

The Committee on the Judiciary, the Money Trust investigation, was authorized by House resolution 486 to spend $25,000, and has expended $1,601.24. For the committee investigating violations by steel companies amounts were author-

ized by House resolutions Nos. 173, 342, and 469 aggregating $39,000; amount expended, $38,976.59. For the committee to investigate the Sugar Trust the amount authorized by House resolution No. 184 was $25,000; expended, $11,486. For the committee to investigate a system of shop management the amount authorized by House resolution No. 328 was $10,000; expended, $4,395. For the Committee on Expenditures in the Interior Department the amount authorized under departmental special resolution No. 474 was $7,500; expended, $6,328.45. The total expended to date is $112,360.58.

Mr. MOORE of Pennsylvania. Mr. Chairman, has the gentleman the record of the expenditures in the Shoe Trust investigation?

Mr. FITZGERALD. What investigation?

Mr. MOORE of Pennsylvania. Have you the record of the expenditures in the Shoe Trust investigation?

Mr. FITZGERALD. Was it paid out of the contingent fund of the House?

Mr. MOORE of Pennsylvania. I presume it was.

Mr. FITZGERALD. I do not know. I requested the Committee on Accounts to furnish the Committee on Appropriations with a statement showing the expenditures made out of the contingent fund for the various investigations conducted under authority of the House.

Mr. MANN. That investigation was conducted by the Committee on Rules, and I think there was no resolution passed in regard to it.

Mr. FITZGERALD. The Committee on Appropriations made an exhaustive investigation as to the price to be paid for smokeless powder, and as a result of which it reported to the House in its bills, and there has been incorporated in bills reported by other committees, a limitation of 53 cents on the price to be paid per pound, a reduction of 7 cents. There was no expense incurred in that investigation. It was conducted by the committee that does all that work.

Mr. MOORE of Pennsylvania. Over $100,000?

Mr. FITZGERALD. One hundred and twelve thousand dollars.

Mr. MOORE of Pennsylvania. Can the gentleman tell the net result of those investigations?

Mr. FITZGERALD. Yes. One of them has disclosed an expenditure of $1,000,000 by the Federal Government for which no return has been had, but which will be reimbursed.

Mr. MOORE of Pennsylvania. Have any arrests been made of any criminals caught in the act as the result of the expenditure of the $112,000?

Mr. FITZGERALD. There was not any expectation that they would be arresting anybody as the result of these investigations. We have conducted them for the purpose of obtaining information, and if the gentleman had read as assiduously as I have the proceedings before these various committees he would now be possessed of an amount of information on a number of important subjects that he never dreamed existed.

Mr. MOORE of Pennsylvania. That is the trouble. There is so much to read that the common people can not begin to comprehend it.

Mr. FITZGERALD. In order to keep up with the procession, it is necessary to spend not only the days but long hours of the night in the performance of public duties here.

Mr. MOORE of Pennsylvania. Does the gentleman recall the arrest of a single millionaire or multimillionaire, or other malefactor of great wealth, as the result of the expenditure of the people's money in this search?

Mr. FITZGERALD. Has the gentleman any recollection of it?

Mr. MOORE of Pennsylvania. I would like a categorical answer to a very plain question.

Mr. FITZGERALD. Will the gentleman permit me to answer his question?

Mr. MOORE of Pennsylvania. The gentleman will not answer in my way.

Mr. FITZGERALD. If the gentleman can recall any intimation at any time that the purpose of these investigations was to apprehend, arrest, and incarcerate in jail some multimillionaire residing in the hallowed precincts of Philadelphia, I would be glad to have the information given to the House.

Mr. MOORE of Pennsylvania. Have any of the malefactors of great wealth who have been accused in any way as the result of these investigations, most of whom resided in the sacred precincts of the metropolis represented by the gentleman from New York [Mr. FITZGERALD], been apprehended?

Mr. FITZGERALD. They have come there doubtless after they have finished their iniquitous career in order to enjoy their ill-gotten wealth in a place where they can do it properly. Nobody ever dreamed of going to Philadelphia to spend the leisure part of his life in enjoyment. They leave Philadelphia as quickly as they can.

Mr. MOORE of Pennsylvania. And they usually go to New York to teach them how to do it.

Mr. FITZGERALD. They show good judgment by selecting New York.

Mr. CANNON. Mr. Chairman, does the gentleman from New York [Mr. FITZGERALD] want some more time?

Mr. FITZGERALD. Not unless somebody else desires to be further illuminated on this interesting subject. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to follow up that Shoe Machinery Trust investigation, if some one can tell us something about it. It was one of the most spectacular investigations ever started by this House.

Mr. FITZGERALD. I shall ask first for a vote.

Mr. CANNON. Mr. Chairman, I ask that the gentleman from Pennsylvania [Mr. MOORE] may have five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the newspapers were filled with columns of announcements every day of what the Democratic Party was going to do to this Shoe Trust; they told how the people of the country were being robbed right and left for the aggrandizement of the predatory millionaires. I recall very clearly that when the committee went to Philadelphia it stayed overnight, and then, like the Arab, "folded its tent and silently stole away," and after that we heard nothing of the Shoe-Trust investigation. [Laughter.] I ask, Why was this?

Mr. FITZGERALD. My recollection is that this administration brought some kind of a criminal proceeding against some people connected with the so-called Shoe Machinery Trust. I am not quite sure whether it was because of the lack of a good case or the incompetency of these high-priced Republican attorneys that the prosecution failed, and therefore I suggest to the gentleman from Pennsylvania that he pursue his inquiries at the Department of Justice, where, since 1902, they have had about $4,000,000 with which to suppress these illegal concerns that have been operating in defiance of the law. Whether the work that has or has not been done was successful or otherwise can best be judged by a careful analysis of the results of the election which took place last November. [Laughter on the Democratic side.]

Mr. MOORE of Pennsylvania. I am satisfied with the answer the gentleman has given, or has attempted to give, but can the gentleman answer one further question? Can he tell whether a distinguished gentleman who is announced as a probable member of the Cabinet in the incoming administration, was the counsel for the Shoe Trust or the counsel against the Shoe Trust, or whether he occupied both positions at one and the same time? [Laughter.]

Mr. FITZGERALD. Is the gentleman speaking of me, or of some other Member of this House?

Mr. MOORE of Pennsylvania. I am trying to get light on the subject.

Mr. FITZGERALD. The gentleman can get no light from me as to the personnel of the incoming Cabinet. I have made no request in that connection and have not been answered.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of Pennsylvania. The gentleman from New York stated that nobody expected that any malefactors of great wealth, either in Philadelphia or in Pittsburgh, would be arrested in consequence of these investigations. I hope the gentleman will strike out "Pittsburgh," for the reason that, although there are many men there of great wealth, there are no malefactors. [Laughter.]

Mr. FITZGERALD. I suppose that is applying a rule of a recent Republican administration, that there are good malefactors and bad malefactors, and all the malefactors of great wealth in Pittsburgh, in the estimation of the gentleman, are good ones and all the bad ones live elsewhere. [Laughter.] The bad ones all go to New York, I guess, under the theory of the gentleman from Philadelphia [Mr. MOORE].

Mr. BURKE of Pennsylvania. I accept the gentleman's explanation. [Laughter.]

Mr. CANNON. Mr. Chairman, I just came into the Chamber a few moments ago, but have been somewhat interested in the remarks of the gentleman from New York [Mr. FITZGERALD].

I want to say a word about the work of the Committee on Appropriations, if the gentleman from New York will give me his attention. As I roughly estimate, the Committee on Appro-

priations recommends to the House the expenditure of probably between $350,000,000 and $400,000,000 in the annual appropriation bills. Members talk about investigations. I just heard the gentleman from New York speak of the investigation made by the Committee on Appropriations touching powder. That investigation has resulted from time to time heretofore, and will no doubt again result in real legislation for the benefit of the Government to the advantage of the Treasury. That investigation as to powder, like all the investigations pursued by the Committee on Appropriations, has been prosecuted for real results.

A MEMBER. Good!

Mr. CANNON. We have not had any Associated Press dispatches given out and printed from day to day and no headlines in the yellow journals about the investigations made by the committee, either this year or in former years; and I want to do the gentleman from New York [Mr. FITZGERALD] and his colleagues the justice to say that to my knowledge, in the preparation of these great bills, the work of the committee has been exhaustive, without the employment of a band, or the beating of a drum, or the blowing of a fife, and all along the line the recommendations of that committee have borne real fruit, because its investigations have been conducted in real good faith for the benefit of the country. [Applause.]

I wanted to say that much. I will not pause to speak of other investigations, because I have not read all the evidence. But whenever I see a committee conducting investigations and get the first knowledge of them in the headlines of the yellow journals, I think I am justified in saying, from my former experience and recollection, that they are blowing. [Laughter and applause.]

Mr. MONDELL. Mr. Chairman, the two items just read appropriate $85,000 for deficiencies in the contingent fund of the House for the purpose of carrying on investigations by select and other committees. If these items are allowed, as I have no doubt they will be, they will complete a total of $330,000 for these purposes in the fiscal years 1912 and 1913, or $165,000 per annum. The expenditures under a Republican Congress for 10 years for these purposes averaged $95,000, so that this is an increase of $70,000 a year, or over 80 per cent in the expenditures of a Democratic Congress over the expenditures of a Republican Congress for these purposes.

I am not inclined to be captious with regard to these matters, because we are all favorable to all proper and necessary and helpful and useful investigations; but this item is reminiscent. It is reminiscent of those days in the beginning of the Congress when the gentleman from Missouri [Mr. LLOYD] and the gentleman from Pennsylvania [Mr. PALMER] and other gentlemen on that side of the House assured us of the wonderful economy that the Democratic Congress proposed to practice.

I am less inclined to be overcritical in view of the fact that there were some gentleman on that side, notably the gentleman from New York [Mr. FITZGERALD], the chairman of the Appropriations Committee, who did not join in the loud and hilarious applause with which the promise of Democratic economy was launched upon the House.

It may be claimed that these extravagant expenditures were necessary to uncover the widespread and deep-seated iniquities that had existed under long-continued Republican administrations, and we are reminded that the expenditure of $330,000 has at least developed the fact that there never was any "Dick to Dick" letter, and that it cost $2,605 to determine the condition of the throat of a multimillionaire.

So far as I now recall, these are the only really startling matters developed by the expenditure of this $330,000, and I am sure that all the patriotic gentlemen on the other side and all patriotic citizens everywhere will join with us in the pride we feel that the expenditure of these great sums, the broad casting of the dragnet, the use of the fine tooth comb, and the plentiful swinging of the bludgeon by these committees have failed to develop any wrongdoing on the part of Republican officials during the long period of Republican supremacy, and have not, in my opinion, uncovered any serious extravagances. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the last part of the paragraph. I am one of those who do not criticize some of the investigations that have been carried on during the present Congress. I think, however, many of these minor investigations, particularly those conducted by the Expenditures Committees, have had too much politics ingrafted into them at the beginning and throughout their deliberations to be of any value to the country, but I do believe that the investigations of some of the great industrial and financial conditions of the country, carried on in what is known as the Steel Trust investigation and the Money Trust investigation, have brought to light and to the knowledge of Congress and of the country some important facts concerning present industrial tendencies. But I desire here to record my protest against the habit that has originated with our Democratic brethren, every time a committee of any importance is appointed or given authority to make investigations, of employing special counsel in those investigations. Take particularly the Money Trust investigation; the employment of counsel from the very locality to be investigated has practically made an overpowering influence in the committee that has been, I think. a humiliation to every Member of the House who wishes to bring out the important facts and to have a real congressional investigation. It has been currently reported—how true it is I know not, but I have never heard it denied—that even members of that committee have not felt at liberty to ask questions pertaining to facts involved in the investigation.

Mr. BARTLETT. Will the gentleman state what committee he refers to?

Mr. MARTIN of South Dakota. The Pujo committee, otherwise denominated the Untermyer committee. There are just as good lawyers in this House as there are out of it.

Mr. BARTLETT. I want to say——

Mr. MARTIN of South Dakota. If I may have an extension of my time, I shall be glad to yield.

Mr. BARTLETT. I ask the gentleman to allow me to interrupt him for a moment.

Mr. MARTIN of South Dakota. I yield to the gentleman with pleasure. I shall ask for further time.

Mr. BARTLETT. The gentleman referred to the investigation of the Steel Trust. We conducted that investigation clear through, and not a dollar was paid to any lawyer outside of the committee, and all questions and investigations were made by members of the committee.

Mr. MARTIN of South Dakota. I will not be certain about that committee, but some special committees have employed lawyers and paid large fees.

Mr. BARTLETT. I am certain about this committee because it is a fact that not a dollar was expended for a lawyer.

Mr. MARTIN of South Dakota. What the gentleman says about that particular committee may be true.

Mr. BARTLETT. It is not "may be true"; it is true.

Mr. MARTIN of South Dakota. The gentleman from Georgia acknowledges it, and that settles it. But, Mr. Chairman, I was not directing my attention to that committee; there are other committees that have been investigating here where the question of authority for employing counsel has been in dispute, and that they employed counsel and how they were paid has been a matter of mystery. But we have had before the House at another time, particularly the money trust committee, and they have employed expensive outside counsel to do the business of the House. Aside from being an extravagant expense—I do not know what the expense is, but it was reported that it was to be $15,000—aside from the extravagant expense of employing outside counsel in matters of that kind, when we have just as good attorneys in the House employed by the year and paid for, I want to say that the employment of special counsel for committees from the environment of the matter to be investigated destroys the value very largely of the work of the investigating committee. In this matter I refer to it has been currently reported that the distinguished counsel has been spending the last few weeks at Palm Beach writing out what the committee is supposed to report to this House, and I see in the newspapers this morning that it is doubtful whether they will accept what the distinguished counsel has prepared as final conclusions. When this House appoints Members to investigate a great and important subject in which the House and the country is interested, instead of getting the results of the work of the deliberation of that committee, it receives the investigation of the counsel taken from the environment of the matter to be investigated.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

The CHAIRMAN. The gentleman from Georgia asks that the time of the gentleman from South Dakota be extended five minutes; is there objection?

There was no objection.

Mr. SAMUEL W. SMITH. I would like to ask the gentleman a question. The gentleman from Wyoming says that the expenses of these committees was $300,000. Does that include the expense of public printing?

Mr. MONDELL. No.

Mr. MARTIN of South Dakota. The gentleman from Wyoming says it does not.

Mr. SAMUEL W. SMITH. It was reported that the physician who went to examine Mr. Rockefeller was paid $500 a day; is that the fact?

Mr. MARTIN of South Dakota. I know that when further appropriation was asked to cover expenses that had been incurred without authority, only two weeks ago, it was said that a throat specialist had been sent down there, at an expense of $500 a day and expenses, making $2,000 for five days' work. But I am referring particularly to the practice our Democratic brethren have drifted into of giving us special investigations under the domination of influences outside of the membership of this body. It gives us investigations that neither the House nor the country nor the people can have that complete confidence in that they are entitled to when we direct investigations of great subjects of this kind.

The committee has brought forth important facts, but they are facts that inhere in the very records of the financial institutions themselves. I think the important fact developed in that investigation is the interlocking of directorates. But that could have been found by simply obtaining a list of the great financial institutions and comparing the names of their directors. It is a fact that those who want to see the light thrown upon these great questions have deplored that some of the great interests centering in Wall Street have not been called before the committee at all. Apparently this lawyer appointed to take the part of the committee and question witnesses in his own way is preparing a report for the committee automatically to sign and to bring into the House.

If a lawyer in New York or elsewhere has important knowledge by virtue of his professional associations and his practice and close association with the facts, which this committee and this House are entitled to know, let him be called as a witness and let us put him on the stand here to tell what he knows, and let it be paid for at the rate of witness fees and expenses, instead of paying him a $15,000 fee for coming and dominating the spirit of the committee.

Mr. Chairman, I am one of those who is in sympathy with that investigation. I believe there are——

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

Mr. MARTIN of South Dakota. Yes.

Mr. MADDEN. Does the gentleman think that any lawyer could dominate the membership of a committee if the committee knew its business?

Mr. MARTIN of South Dakota. Mr. Chairman, I think if the committee is attending to its business, and is capable of doing its business, there is no place for a lawyer to dominate it or control its proceedings. The lawyer in this case has been the whole show. The committee has sat there silent, dumb as oysters, as to the proceedings, and if any one of them wanted to know anything which the lawyer did not see fit to bring out, they have sent a paper up to him to ask if, in his discretion, he would not see fit to put such a question. I say that that is a humiliation to the dignity and the tradition of this great representative body, and I for one desire to file my protest and to state my resentment against it. [Applause on the Republican side.]

Mr. BARTLETT. Mr. Chairman, I do not desire to say anything in reference to what has been said by the gentleman from South Dakota [Mr. MARTIN] and others, except as to one item in this expense account and the contingent fund.

The committee to which I shall refer, and whose expense account is in this item, was a committee known as a committee to investigate the Steel Corporation of the United States. That investigation was conducted, with the exception of 2 months, for 11 consecutive months. There was appropriated by the House $39,000 for that purpose, and there remains unexpended of that sum $23.41. During that investigation, at the beginning of it, and through it, application was made to the committee to employ a lawyer to represent the committee, to conduct the questions, and to aid the committee in the matters before it. Under the resolution we had full authority to employ a lawyer. There arose before that committee questions of great importance, of great doubt, involving the constructions of contracts, the construction of the act of 1890, and the right of the committee to proceed after the suit had been instituted at the instance of the United States Government against the corporation. I take no credit to myself for what was done in respect to that matter, but I do know it to be a fact that there never was an effort made in that committee from the beginning to the end to employ counsel to assist it, and no counsel was ever employed. No lawyer was ever advised with, that I am aware of, in respect to a legal question coming before the committee or the examining of witnesses or for the purpose of getting an opinion as to what the committee had the right to do or what the law was or as to the business of that committee. The minority members and the majority members had among them some of the ablest lawyers in the House. They devoted their time and gave their information and their legal opinion, with reference to everything connected with it, and every member of that committee took part in examining the witnesses that appeared before it.

I will not say of what benefit that committee has been to the public, except to refer to a suit that is now pending in the State of New Jersey to dissolve this great corporation, which it was charged existed and carried on its business in violation of the laws of the United States. If any gentleman has read the testimony of the witnesses, and the procedure that has taken place there, he will find that the bill originally was filed upon the evidence obtained by that investigating committee, and that the suit is now being conducted by the Government, through the information and knowledge that we obtained, and that the witnesses that we examined are being examined in that suit.

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

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I want to refer to some of those things. Not only that, but we found evils to exist, to which the attention of the public and the Congress has been called. Decisions of the court have not been able to reach the great evils that exist by reason of the law not being such that it could correct them, and that committee recommended to this House amendments to the antitrust law which would, if enacted into law and enforced, correct some of the crying evils in reference to the business of the country conducted by these great corporations. I need mention but one. I want to say that we had no lawyers to draw these bills or to suggest the provisions in them. They were drawn and suggested by the members of this committee, endeavoring to carry out our duty and the instructions of the House that after this investigation we recommend such legislation as we thought would reach the evil. A great evil has grown up all over the country by reason of the ownership by manufacturing corporations of railroads, of transport companies of terminal lines, through which a discrimination was made in favor of the corporation owning the railroads or the transport lines, it also being engaged in business in competition with others. That was one of the crying evils. We have recommended bills to the House which we believe if enacted into law will correct that great evil.

I do not intend to detain the Congress nor state what other bills we recommended, but that is one, and great benefit was received by the country from it. I did not intend to say anything with reference to this item, but merely to say and to challenge the criticism and the scrutiny of investigations by that committee in its action, so far as the expenditure of money is concerned, and to say that we undertook to carry the business on as economically as we could, and every dollar expended was spent in order to get information and for the necessary expenses of conducting this investigation, and no dollar was paid for attorney's fees. Then let me say, in reference to this committee known as the Money Trust investigation, I doubted the propriety of forming such a committee. I thought it ought to be done by the committees of the House which had charge of such things—the Judiciary Committee, the Committee on Banking and Currency—and I did not vote for the supplemental resolution that was brought in here in the House. I did not vote to pay this attorney's fee or the doctor's fee in this bill when it was before the House being so recommended, and therefore have recorded my objection to that without any criticism upon those gentlemen who did. I now yield to the gentleman from South Dakota.

Mr. MARTIN of South Dakota. The gentleman has made a defense of the steel investigation?

Mr. BARTLETT. No; I have not made any defense at all; I have stated the facts.

Mr. MARTIN of South Dakota. The gentleman referred to the Steel Trust investigation and named one great investigation in which they had accomplished good, and he criticized in plain language the policy of employing counsel in the so-called Money Trust investigation to dominate that committee, and I would like to know whether the gentleman from Georgia justifies the course that has been taken in that investigation?

Mr. BARTLETT. I am not here to defend that action or charges made with reference to that committee. I voted against the policy of having it done, and I voted against this bill for doctor's and lawyer's fees. [Applause.] That is all the criticism I have for it.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments close.

Mr. WILLIS. I hope the gentleman will not do that for a moment, I desire to ask a question.

Mr. MANN. I would like to have a few minutes.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. MANN. I want not to exceed five minutes.

Mr. FITZGERALD. I will withhold for a few minutes, but I hope the gentleman will be brief.

Mr. MANN. Mr. Chairman, if I may divert the attention of the House from the great subject that it has just been considering relating to the method of investigation to minor questions which affect the integrity of the proceedings of the House, then I wish to submit a remark or two. One of these investigating committees, the Committee on Expenditures in the Post Office Department, some time ago authorized one member of that committee to carry on an investigation and without ever submitting any recommendation to the committee itself and without having any action taken by the committee itself, without the committee ever authorizing any report, a single gentleman, a Member of the majority, contrary to the rules and the practice of this House, submitted a report to the House which to my judgment is not warranted by the facts even if the committee itself had acted. I think that committee perhaps needs a counsel, for certainly no committee of this House will think that it has the authority to appoint one member of the committee to carry on an investigation and make a report to the House without any action by the committee itself. If that practice were to be indulged in it would violate every principle of proper legislation. If a majority of the committee can authorize one majority Member to carry on an investigation and report to the House without the minority having any chance to be heard by the committee or to make minority views, the bossism which has ever existed anywhere in the world would pale into insignificance with the bossism which grew up out of such a practice. Now, Mr. Chairman, sufficient for that. That report ought to be withdrawn if it was submitted through lack of knowledge of the Member of the House, or if it was submitted in violation of the rules and practice of the House it ought to be stricken from the files on a motion made by some one on the majority side of the House.

Mr. ADAIR. Will the gentleman yield?

Mr. MANN. Not just now; I have only a moment. Recently the House passed the Indian appropriation bill. It struck out on a point of order an item in that bill. When that bill was engrossed that item was still in the bill. When the bill was sent from the Clerk's desk to the engrossing room the item was still in the bill. The other day the House acted upon a Senate bill and by amendment struck out section 2 of that bill, another bill relating to Indian matters, but when the Senate act went from the Clerk's desk to the engrossing or enrolling room that section was not stricken out and was still in the bill.

And it was transmitted to the Senate without the amendment being shown.

Mr. STEPHENS of Texas. Will the gentleman yield at that point?

Mr. MANN. I will not.

Mr. STEPHENS of Texas. I supposed you would not.

Mr. MANN. I would like to be permitted to make an intelligent statement in the House. I am not proposing to criticize the clerks at the Clerk's desk. I think they are doing very efficient work. In our control of the House we had a Journal clerk and an assistant Journal clerk. Our economical friends on the other side, who have spent something over $100,000 in investigations of doubtful value, were so economically inclined that at the beginning of this Congress they dispensed with the services of the assistant Journal clerk and put a burden upon the Journal clerk attending to his own work, which is all or more than one man ought to carry. In the old days the Journal clerk and the assistant Journal clerk, when bills were under consideration and amendments were offered, used to aid the reading clerks in keeping track of the amendments and the changes which were made in the bill. Our two reading clerks have been worked pretty hard in this session of Congress. I have no criticism to make because they made a slip on these bills. Far from me to criticize the Journal clerk, but I criticize the majority for dispensing with the services of a needed man at the Clerk's desk.

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

Mr. MANN. I would like just one minute more.

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

Mr. MANN. If we amend a bill in the House or in the committee and the amendment does not get in the bill, but goes to the other Chamber or stays in the act as it is enrolled, the integrity of the proceedings of the House can never be certain to be preserved. We have the right, both the minority and the majority, to have a sufficient force at the Clerk's desk to see that the proceedings taken by the House or the Committee of the Whole are properly recorded and preserved, so that men may have faith in the integrity of our proceedings.

Mr. WILLIS. Mr. Chairman, I would like to ask the gentleman from Georgia [Mr. BARTLETT] a question. I understand he was a member of the steel committee.

Mr. BARTLETT. Yes; I was.

Mr. WILLIS. I wondered whether it would be possible to obtain anything in the line of an itemized statement of the expenses of printing by that committee. The reason I am asking that is that I have received numerous requests for such information. I understand these hearings have been distributed from the room over at the House Office Building in enormous quantities, and it has been suggested they were distributed largely to aid the political fortunes, not of the gentleman from Georgia [Mr. BARTLETT], but of some of the other gentlemen of the committee. I wondered if we could have an itemized statement of the expense for the benefit of the country.

Mr. BARTLETT. I did not know the gentleman was going to ask the question or I should have endeavored to secure the information. The gentleman from Kentucky [Mr. STANLEY], the chairman, would doubtless know about that. The expense of that committee can be ascertained.

Mr. WILLIS. Can the gentleman give any estimate of it? It certainly must have been tremendous.

Mr. BARTLETT. No; I do not think so. I want to say, so far as I am personally concerned, I think there were seven copies allotted to me, and I have not sent out any more during the investigation. As the hearings were printed there were certain lists furnished by me of the names of about 100 of my constituents, to whom they were sent, and that is all the information in reference to the distribution that I can furnish. So far as being used for political purposes is concerned, I do not know that that is true. I would doubt it very much, unless the gentleman from Ohio [Mr. WILLIS] would assert it very positively. Of course, I can not answer for the gentleman from Kentucky [Mr. STANLEY], but, without reflecting upon the statement of the gentleman from Ohio, I doubt the truth of it.

Mr. BURKE of Pennsylvania. The gentleman from South Dakota [Mr. MARTIN], in connection with his discussion of the so-called Money-Trust committee, adverted to the conduct of the gentleman who had been retained as the special counsel for that committee, and I think, in passing upon these particular items in this bill, that it is a perfectly proper and logical plan for Members of this House to consider the question as to the propriety of sinking their individuality, either on this floor or in the conduct of the business of this House, through the agency of committees. I have no personal criticism to make of any gentleman on the Banking and Currency Committee if he sees fit to set aside the dignity that should attach to that committee and transfer the power and all the functions of that committee to an individual who is not connected in any way with this House. With other Members of this House, I have attended hearings conducted before that committee, and I want to say, not by way of criticism of the committee, but more by way of reference to the conduct of the gentleman who has been given this unbridled license, that his treatment of reputable gentlemen from various parts of this country was unbecoming a member of the bar. And it was doubly unbecoming a committee of this House to tolerate the manner in which he treated men who were brought here upon subpœnas issued by this House and who came in response to them.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURKE of Pennsylvania. Yes; I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Was not this same gentleman frequently acting as attorney for the very interests he was supposed to criticize?

Mr. BURKE of Pennsylvania. As to whether or not the gentleman who was employed as special counsel was acting as counsel for other parties, I am not prepared to say. But wholly apart from that, I am speaking from personal observation as a Member of this House when I say that the conduct of Mr. Untermyer before that committee was not, in many instances, in keeping with the proprieties and was not creditable to the committee that retained him.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURKE of Pennsylvania. I yield to the gentleman.

Mr. FITZGERALD. In what respect was his conduct out of keeping with the dignity of the House? The gentleman from Pennsylvania, instead of indulging in these general aspersions,

ought to point out individual acts, so that we can judge of them.

Mr. BURKE of Pennsylvania. If I had the time, I would be glad to enlighten the gentleman from New York.

Mr. FITZGERALD. But the gentleman should not indulge in this general denunciation in a place where his remarks are protected instead of specifying the action he takes exception to, so that the country might judge.

Mr. BURKE of Pennsylvania. If the gentleman from New York, as one of the leaders on the other side——

Mr. FITZGERALD. No; I did not say that——

Mr. BURKE of Pennsylvania. The leader of the other side for the time being [laughter], if he wishes to enter into a defense of the gentleman employed in that capacity as special counsel, and will give me the time a little later on, I shall be delighted to enlighten him in regard to the conduct of the gentleman whom I referred to.

Mr. FITZGERALD. Let us have one instance now, to see whether the gentleman deserves any time later on. [Laughter.] Give one instance that is discreditable to this House, showing the conduct of Mr. Untermyer in respect to that committee.

Mr. BURKE of Pennsylvania. Mr. Chairman, every expression of countenance, every intonation of voice, and every attitude of the special counsel, Mr. Untermyer, in that committee was on many occasions insolent.

Mr. FITZGERALD. Oh, the gentleman from Pennsylvania should not expect everybody to look as handsome, as pleasant, and as attractive as he does. [Laughter.] What the gentleman says is no indictment of the special counsel.

Mr. BURKE of Pennsylvania. I fear I never will attain the high standard of the gentleman from New York. [Laughter.]

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURKE of Pennsylvania. I yield.

Mr. CANNON. As I understand the gentleman, taking into account the whole scope of this investigation and the attitude and action he speaks of, he would be entitled to recover under the common counts. [Laughter and applause.]

Mr. BURKE of Pennsylvania. Yes, sir.

Now, Mr. Chairman, with reference to the necessity of the retention of that gentleman as special counsel of the investigating committee, I want to call the attention of the House to the committee as it is constituted—the majority of that committee—to show the lack of necessity of retaining the special counsel by the committee. The Democratic members of that committee were chosen by the majority side of this House. On the majority side of that committee there are eight lawyers, two bankers, and one physician——

Mr. GREEN of Iowa. Is he a throat specialist? [Laughter.]

Mr. BURKE of Pennsylvania. And that gentleman has been practicing medicine for 23 years. Yet they pay $2,650 to ascertain the physical condition of a gentleman who, for some reason or other, they hounded for a number of months.

Mr. FITZGERALD. What does the gentleman mean by "hounded"?

Mr. BURKE of Pennsylvania. Oh, well, I do not propose to interpret every word that is commonly used in the English language for the enlightenment of the gentleman from New York. The gentleman is familiar with that word and its meaning.

Mr. FITZGERALD. An attempt was made, Mr. Chairman, to execute the process of this House, and it was impossible to do so.

Mr. BURKE of Pennsylvania. I hope the gentleman will give me additional time to compensate for these interruptions.

Mr. FITZGERALD. Does the gentleman think that when the officers of this House are attempting to execute the orders of the House they are guilty of hounding somebody?

Mr. BURKE of Pennsylvania. Oh, no; I did not say that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of Pennsylvania. Mr. Chairman, I ask for three minutes more.

Mr. FITZGERALD. Mr. Chairman, I ask that the gentleman may have two minutes more. The gentleman did not make any response to my requests for specifications. I ask that he may have two minutes in which to close this illuminating debate.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Pennsylvania [Mr. BURKE] may have two minutes. Is there objection?

Mr. BURKE of Pennsylvania. I ask for five minutes, Mr. Chairman.

Mr. FITZGERALD. No; two minutes.

Mr. BURKE of Pennsylvania. I ask unanimous consent for five minutes.

Mr. FITZGERALD. Two minutes, or I shall object.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BURKE of Pennsylvania. If I can not have five minutes, Mr. Chairman, it will be of no use for me to proceed, and I yield the floor.

Mr. FITZGERALD. Mr. Chairman, I was not in sympathy with some of the proposed investigations or with the conduct of some of the committee making this particular investigation. I had heard repeated statements that Mr. Untermyer, the special counsel of the committee——

Mr. BURKE of Pennsylvania. Mr. Chairman, the debate having been exhausted on this amendment, I ask unanimous consent that the gentleman from New York may proceed for five minutes.

Mr. FITZGERALD. I move, Mr. Chairman, to strike out the paragraph. That has not yet been discussed. Having heard, I say, of the conduct of Mr. Untermyer toward witnesses, I personally attended some of the hearings of the committee, sat there patiently through them, and so far as I am any judge, Mr. Untermyer treated the witnesses with the courtesy, respect, and deference to which they were entitled.

Now, the only complaint that can be specified by gentlemen is the one that is made by the gentleman from Pennsylvania [Mr. BURKE].

For some reason or other he thinks that Mr. Untermyer is not as pleasant in his manner as he ought to be. Mr. Untermyer has not the attractive and handsome features of the gentleman from Pennsylvania and other self-constituted judges who sit over there in judgment on that committee. I believe that this House can not attempt to determine the degree of pulchritude that an attorney must have in order to appear before committees of the House.

Mr. GARNER. Will the gentleman yield for an interruption?

Mr. FITZGERALD. Yes.

Mr. GARNER. Like the gentleman from New York I do not entirely agree as to the manner of expending the money for the investigation of the Money Trust, and I want to ask the gentleman from New York if that can not be guarded in the future, when a resolution is passed authorizing a committee to expend a certain sum of money, to provide also that before any money is expended, or before any obligation is incurred by that committee, it shall submit to the Committee on Accounts its estimate, and the items upon which the money is to be spent, so that the Committee on Accounts, in addition to this committee, may be held responsible for the manner of expending this money?

Mr. FITZGERALD. I think perhaps it would be too much to assume that all the virtue of the House is in the Committee on Accounts, and perhaps we ought to have some other committee to check it up; but that is apart from this. The chief grievance, the chief complaint, the only special case made in justification for this general assault upon Mr. Untermyer, is that gentlemen do not like his looks; and I submit to the House and to the country that that is not a sufficient justification for this wild, intemperate, and extravagant denunciation of his conduct toward witnesses.

Mr. BURKE of Pennsylvania. The gentleman has been a Member of the House a great many years. Has he ever served upon any committee at any time in connection with his responsible duties here when he, as a member of the committee, was not permitted to ask a question without first submitting it in writing to an employee of that committee?

Mr. FITZGERALD. No committee ever tried to do that to me.

Mr. BURKE of Pennsylvania. How long would the gentleman remain a member of any such committee?

Mr. FITZGERALD. I do not know that that has been done in any other instances, although I have served with some Republicans on committees where, if I could have had my way, I would have adopted a rule that they should not be permitted to ask any questions at all, because I thought it was a waste of valuable time.

Mr. BURKE of Pennsylvania. The gentleman visited the Money Trust Committee room during its proceedings?

Mr. FITZGERALD. Yes.

Mr. BURKE of Pennsylvania. Did he observe any member of that committee exercising his right to ask any question without first putting it in writing and submitting it for approval to Mr. Untermyer?

Mr. BARTLETT. That was the rule that was adopted. The minority members never complained of it.

Mr. FITZGERALD. I understand the committee adopted a rule that, in order to keep their hearings in some systematized shape and not have them incoherent, as frequently happens when a great many men attempt to conduct one investigation, they should have all their questions asked by one man. Now, if his name had been something else besides Untermyer, and if, instead of being a distinguished Democratic lawyer, he had been a prominent Republican lawyer, I am sure the procedure would have appealed to the gentleman from Pennsylvania [Mr. BURKE] as eminently proper, because the gentleman from Pennsylvania is about as partisan a Republican as I am a partisan Democrat, and beyond that it is difficult to go.

Mr. Chairman, I move that all debate on this paragraph and all amendments thereto be now closed.

Mr. CAMPBELL, Mr. KAHN, and Mr. MOORE of Pennsylvania addressed the Chair.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendments thereto be now closed.

Mr. MOORE of Pennsylvania. I am opposed to the amendment of the gentleman from New York, and think I have a right to speak.

Mr. FITZGERALD. Under the rule, after debate has been had it is in order to move to close debate.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. How far has the Clerk read?

The CHAIRMAN. The Clerk has read to the end of page 43.

Mr. MOORE of Pennsylvania. Which paragraph is to be stricken out?

Mr. FITZGERALD. None.

Mr. CAMPBELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CAMPBELL. The gentleman from New York moves to strike out the paragraph, and upon that motion to address the Committee of the Whole for five minutes. I ask if it is not in order now under the rules of this House for a Member opposed to that motion to address the House?

Mr. FITZGERALD. Oh, no; after debate on an amendment under the rule it is in order to close debate by a majority vote, and I have made that motion.

The CHAIRMAN. The Chair holds that it is in order to close all debate on the paragraph.

The question was taken; and on a division (demanded by Mr. CAMPBELL and Mr. MOORE of Pennsylvania) there were 76 ayes and 52 noes.

Mr. MOORE of Pennsylvania. I demand tellers.

The question of ordering tellers was taken.

The CHAIRMAN. Eighteen gentlemen have risen, not a sufficient number, and tellers are refused.

So the motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to withdraw his amendment. Is there objection?

Mr. MOORE of Pennsylvania. I object. The paragraph ought to be stricken out.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For furniture, and materials for repairs of the same, $29,500.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The real question at issue is whether or not the Democratic Party was sincere in its professions of economy at the beginning of the last session. It wants more money to continue useless investigations; investigations that have proven themselves to be worthless in that they have effectuated no result whatever except scandal, annoyance, and disturbance in the business world. In the common parlance of the day, the whole performance of these investigations has been "bunk"; "bunk" pure and simple. It goes outside of this House, with its distinguished lawyers and its constitutional lawyers upon the other side, to employ great attorneys presumed to represent the common people to investigate the rights and wrongs of corporations, and what does it get? In the instance of the Shoe Trust, in which it failed lamentably, it secured one who, by reason of his legal reputation, is now proposed as a suitable person for a position in the Cabinet of the President, and yet he is being opposed all over New England because in the Shoe Trust investigation it appeared that he acted as counsel for both sides, representing first the antitrust people and then the trust people. In the instance of the Money Trust investigation, one of the hugest jokes before the country, out of which we have had nothing but the spew of the New York financial market and the effusions of those who represent "the common people" on the other side, where they were going to beard the financial lion in his den; they found that they had not a lawyer on the great Committee on Banking and Currency with sufficient legal ability to conduct an investigation, and so they went out to find one born of the soil, born of "the common people," to take up their cause against the mighty giants of wealth who have been putting their iron heels on the poor, downtrodden common people, giving them no right to live.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Not now. Whom did they select for this patriotic purpose? One of the common people, one who springs from the soil, one who comes out of the trenches, one who was born in a potato patch, one who comes from the apple orchards of Arkansas or Missouri? Where did they go to get a lawyer of sufficient legal talent to represent the poor people of the land? They got Samuel Untermyer, of New York; and who is Mr. Untermyer? We have his own language as it appears in "Who is Who"; and what is Mr. Untermyer's relation to the common people of the land?

Born in the city of Lynchburg, Va., migrating, as southern lawyers sometimes do when they want to make money, to the metropolis of New York, the center of great fortunes, represented on this floor by the distinguished gentleman, the chairman of the Committee on Appropriations of the House [Mr. FITZGERALD], he went through the regular law court sprouts and finally came out as the real friend of the downtrodden and the poor until the Democratic committee found him to champion their cause.

But let us find out what Mr. Untermyer says about himself. He was admitted to the bar in 1879, and has since been in practice in New York, and is now the senior member of the firm of Guggenheim—oh, what a horrid name to the common people of the country [laughter]—Untermyer & Marshall, these gentlemen representing the downtrodden of New York and of Kansas and Missouri and Alabama, but still this distinguished lawyer is the head of the concern of Guggenheim.

He organized and is counsel for many brewing companies—think of it—mining companies—and that means copper—industrial and railway corporations. Oh, if the common people of the land who are represented so profoundly in this body by the other side only knew how close was their alliance to these real corporation friends of the poor, how much more they could appreciate the service of the distinguished lawyer who is representing them all!

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

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that he may proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. He represents all these great brewing companies, all these great manufacturing companies, all these great mining companies, all these industrial and railway corporations, and reorganizations—and in these days you do not reorganize unless somebody has looted a corporation. He is counsel for the Kansas City Southern Railway and the receivers of the Seaboard Air Line. Yes; some one talks about defunct corporations and reorganizations. Mr. Chairman, you do not get defunct organizations unless the common people have been skinned somewhere, and you usually get the ablest counsel to represent the defunct organizations while any of the assets last. He is counsel for and director of the American Lithographic Co. of New York, and how it did want the tariff put on to protect itself against German imports in the last session, and how it wants protection by the present Ways and Means Committee! He represents not only the New York breweries and the northeast breweries, but the United States Brewing Co., and yet our friends on the other side are preaching prohibition now and want to put it into effect, while in their ardor for the poor they solicit the counsel of all the brewing companies in the country. He represents the General Development Co., and under the title "General development" you can organize almost anything in the United States, from a mining company that advertises its fake schemes and takes the money of the poor to the extent of $160,000,000 a year in the United States, up to these magnificent land schemes that are worked up in Washington and other large cities to take the money of the school-teachers and the savings they lay away for a rainy day. He is not only counsel for the General Development Co. and many others, but he is a member of the Democratic Club of New York and of the Democratic national something, not clearly stated in the biography. Go on, friends of the poor, and keep Mr. Untermyer for your counsel.

Mr. DALZELL. Mr. Chairman, I would suggest to my friend from Pennsylvania that he will find a supplement to his biographical sketch of Mr. Untermyer in the editorial column of the New York Sun to-day.

Mr. MOORE of Pennsylvania. If I had the New York Sun I would read it now into the RECORD; but not having it, I ask unanimous consent to extend my remarks in the RECORD by printing the editorial.

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

There was no objection.

The editorial referred to is as follows:

MR. SAMUEL UNTERMYER AGAIN ON THE STAND.

Q. We shall now, with your permission, Mr. Untermyer, resume the examination interrupted by your recent memorable official visit to Jekyl Island and your subsequent absence for rest and recreation on the Florida coast. If, however, there is anything in your physical condition making it dangerous to subject your memory to a strain at the present time the sworn certificates of three reputable physicians will be accepted as good reason for postponement. This is ordinary humanity, and not as indicating any relinquishment of interest in your testimony. Have you any objection to proceeding?—A. (By Mr. Untermyer.)——

Q. I find, Mr. Untermyer, in the autobiographical notice furnished by you to the book entitled "Who's Who in America" this eloquent description of yourself: "Champion of rights of minority stockholders, urging changes in laws for their protection; has put forth in public addresses and articles pleas for Federal regulation of trusts, reform in criminal laws, protection of minority stockholders, and kindred subjects." Did you write that description of yourself in earnest good faith, Mr. Untermyer, or have you an uncontrollable propensity to humorous utterance?—A. (By Mr. Utterance.)——

Q. Do you remember the deplorable attempt of one Stein and one Beard, with the assistance of astute legal counsel in New York City, to scoop in and combine in restraint of trade about 70 straw-paper mills operating in the Northwestern States, and thus to establish a monopoly or trust in the wrapping-paper business? Do you remember whether the projectors and directors of this scheme were particularly solicitous for the protection of the rights of minority stockholders?—A. (By Mr. Untermyer.)——

Q. Do you recall, Mr. Untermyer, the circumstance that this operation of promotion and combination in restraint of trade got to the high courts, both Federal and State, in cases arising from the invasion of the rights of owners and stockholders and from attempted performances of the general character eloquently described in one of your public addresses and articles on this and kindred subjects as "an economic curse to the country, destroying opportunity for the rising generation, paralyzing the economic laws of supply and demand and levying tribute upon us by sheer brute force, more cruel and ruthless than the forced tribute exacted by the robber barons of old"? This is a rather long sentence, and I will gladly repeat the question if your attention has not grasped its significance at the first recital.—A. (By Mr. Untermyer)——

Q. Do you remember, for example, that one Dickerman and other minority stockholders of the Columbia Straw Paper Co. filed in the Federal courts a petition setting forth that they, with other stockholders of the mortgagor company—the Columbia Straw Paper—had been injured by the alleged fraudulent manner in which its securities had been issued; that the mortgagor was controlled by the bondholders and that its directors were not fitted to conduct the suit by reason of their adverse interests?—A. (By Mr. Untermyer)——

Q. Do you remember, Mr. Untermyer, that when the case reached the Supreme Court of the United States the history of this transaction was set forth in an opinion rendered in 1900 by Mr. Justice Brown and reported in 176 U. S., 181? Do you remember that Mr. Justice Brown said, among many other severe things:

"Instead of calling the mill owners together and organizing a new corporation, Beard and Ramsdell turned over the options to Stein, and articles of incorporation were drawn by a member of the New York firm under the laws of New Jersey, which were executed by Beard, one Taylor, a clerk in the office of the New York firm, and one Heffenheimer, a New York lawyer, residing in New Jersey, each of these subscribing for 4 shares, aggregating 12 shares out of a total issue of 40,000."

Is that the sort of thing you had in mind when you used the phrase "champion of the rights of minority stockholders"—incorporation by 12 shares out of 40,000?—A. (By Mr. Untermyer)——

Q. I shall trouble you, Mr. Untermyer, to listen a little further to Mr. Justice Brown's remarks from the bench of the Supreme Court:

"The three incorporators met immediately in Hoboken as stockholders and elected themselves as directors, with six others, two of whom were members of the New York firm, and the others clerks in their office. Not a single mill owner who expected to become a stockholder was placed on the board at this time, although representations had been made by the syndicate that the stockholders would be mill owners. Philo D. Beard was elected president and Samuel H. Guggenheimer secretary.

"Immediatelly thereafter, and on December 10, 1892, Stein, who held all the options, assuming to act as an independent owner, though he had obtained the options for the benefit of the company and had promised to pay for them in the stock of the company, made a proposition in writing drawn by a member of the New York firm to this board of directors to sell the 39 mills to the paper company for $5,000,000, being an advance of $2,113,000 over what he had agreed to pay for them. This proposition was drafted by the New York firm, and the stockholders, upon the day the proposition was received, held another meeting and instructed themselves as directors to accept. They authorized Beard as president to enter into a contract with Stein, which was accordingly done."

Not intimating any present interest of your own in this judicial narrative, Mr. Untermyer, but addressing you only as a champion of stockholders' rights and an expert in their protection, what do you really think of the business? Do you agree with Mr. Justice Brown, who followed still further into its financial details this story of promotion and then remarked from the bench:

"Bound as these promoters were to deal fairly and honestly with the stockholders in the new corporation, they were guilty of apparently inexcusable conduct in excluding the mill owners from all participation in organizing the new corporation, putting in their own clerks as directors and paying off the mill owners in stock which was really of little more than half the value they must have expected to receive. If they were able to obtain options upon only 39 out of the 70 mills they should have made known this fact, or at least given these mill owners the benefit of the surplus stock. * * * We think that no legal knowledge was necessary to apprise these parties that they were not dealing fairly with the owners of the mills in concealing from them the facts connected with this purchase and in dealing with the property as if they themselves were the only parties in interest."

Severe words, Mr. Untermyer, although not all the names are here mentioned. Does not this characterization of the business by the Supreme Court of the United States awake your indignation and zeal as a champion of stockholders' rights?—A. (By Mr. Untermyer)——

Q. By the way, Mr. Untermyer, can this be the same transaction that was denounced in another case, See, receiver, *v.* Heffenheimer, by Vice Chancellor Pitney, of New Jersey, when he said in a written opinion:

"At the suggestion of Stein they then entertained the notion of consolidating the plants of these straw-paper makers into a corporation. Mr. Beard waited upon Mr. Samuel Untermyer, of the law firm of Guggenheimer & Untermyer, of New York City, and he undertook that his firm should act as counsel in organizing for that purpose under the laws of New Jersey. He had had much experience in that kind of business and gave to the affair in hand his personal attention from that time on."

Personal attention as a champion of stockholders' rights, Mr. Untermyer, and as an expert in their protection?—A. (By Mr. Untermyer)——

Q. And still quoting Vice Chancellor Pitney:

"These stockholders and directors were the associates and employees of Untermyer, who was the managing genius of the whole transaction, and they were chosen by Untermyer and Beard especially for the purpose of accomplishing at once, and without any lengthy investigation, the manifest object of the proceeding, viz, the purchase of those properties at the round sum of $5,000,000, payable in cash and securities, of which little more than one-half was to go to the real owners. * * * The whole transaction was planned by Stein, Beard, and Samuel Untermyer. They then certainly occupied the position of promoters of the corporation, and at the same time as vendors to it."

I shall not quote further here from the vice chancellor's remarks, Mr. Untermyer. He used some very ugly language about you and your associates—particularly about you—language which would be extremely libelous if written and not judicially privileged. Is it not a fact, Mr. Untermyer, that when the vice chancellor's opinion was published by the New York Herald in 1906 you so accurately perceived the serious character of the implication that you wrote to that newspaper styling the opinion a mere "document," on the ground that the suit had been settled with the court's approval two months before the official publication of Judge Pitney's opinion, and warning the Herald that it was "not protected in it as being the record of a judicial proceeding"? Did you ever bring that libel suit, Mr. Untermyer? And how about the opinion of Mr. Justice Brown of the Supreme Court of the United States?—A. (By Mr. Untermyer)——

Q. If you have nothing to offer as a champion in stockholders' rights and an expert in protection against astute promoters, you are excused from the stand for the present, Mr. Untermyer, particularly as you must be very busy with the members of the Pujo subcommittee now preparing their report on evil financial methods.

Mr. MOORE of Pennsylvania. Mr. Chairman, this is no attack upon Mr. Untermyer, of Wall Street, this is no attack upon Mr. Brandeis, but it is an attack upon that condition of affairs which the Democratic Party thrust the country into at the beginning of its administration in this House, when it made the bald pretense that it proposed to economize; when it told the people of the country it was the friend of the poor and the downtrodden. It is humiliating that the committee should now be compelled under dire necessity, for lack of ability amongst the great Democratic lawyers here, to obtain the services even of so distinguished a champion of the poor as Mr. Samuel Untermyer, of New York.

Mr. ALLEN. Mr. Chairman, my colleague from Pennsylvania [Mr. MOORE], coming from the quiet city on the Schuylkill, has again broken loose this morning, and his tirade to-day is principally against the great Commonwealth of Massachusetts. Now, the great Commonwealth of Massachusetts needs no defense from me, but the truth of the matter is I have a very warm spot in my heart for that rugged, rocky north shore above Boston. Once upon a time I made a speech to a young lady way up on those rocks, and that young lady is now my wife. I am reminded of the story that is told of a young lady from the city of Philadelphia who was visiting her school friend in Boston. She had strolled around that city for a few days and finally one morning said to her friend, "Elizabeth, how in the world do you ever get around in this city with its crooked streets and byways? Every time I go out I have to hold on to the buildings to be sure that I am on the same side of the street that I started out on. Now, down in Philadelphia everything is laid out as nice and straight as could be, and you just ought to come down there and let me show you around." Her Boston friend replied, "Well, Mary, when Boston is as dead as Philadelphia, she will be laid out nice and straight too." [Laughter.]

But to the question at issue, I think the American people are well satisfied with the work and results of our investigating committees.

Mr. HEFLIN. Mr. Chairman, the wail of the gentleman from Philadelphia [Mr. MOORE] is pathetic. The gentleman mournfully complains of the work done and being done by the investigating committees appointed by the Democratic House. The Republican Party had been in control so long that it was absolutely necessary to make these investigations so that we could have the facts of conditions before us when we were

ready to remedy the evils that have sprung up under Republican administrations. [Applause.] These committees have brought to light information that the people were unable to obtain before the Democrats got control of this House. This information will be of great value to the President and the Congress during the Wilson administration. In these closing hours of a Republican administration, Republicans squirm under the white light of Democratic investigations, and, Mr. Chairman—

The Republican swan,
In his latest breath,
Chants bitterest strains
And sings himself to death.

[Laughter and applause.]

Mr. MARTIN of South Dakota. Mr. Chairman, I move to strike out the paragraph. In a criticism, which I think was entirely warranted, I have succeeded in drawing forth considerable discussion, culminating in one of the entertaining stories we are always glad to get from the gentleman from Alabama. But I do not want this discussion to be left at this point and to overlook the real vice I undertook to point out in my opening remarks. We appointed a committee to investigate the Money Trust. I thought at the time it ought to be a special committee selected for that particular purpose, but the Banking and Currency Committee insisted upon the exercise of their function and considered they had jurisdiction. A limit of expenditures was put upon the committee, as I remember, of $25,000, and they proceeded with their work—and the methods of procedure were somewhat astounding—which culminated in the presentation of a bill or request for further authorization of something like $26,000, covering confessedly unauthorized expenditures that they had obligated themselves to make, and it appeared that $15,000 of that item was for the employment of counsel and some $2,600 for the work of a throat specialist. Now, I believe there was a great opportunity for this committee to perform a good task. I believe they brought out some things of value to the country, but nothing compared with what they could have done if they had given a real congressional investigation without the dominating direction of special counsel selected from the very environment of the things which they were expected to investigate. Have you heard of any Guggenheims, a name prominent in financial circles, testifying before that committee as to whether there is a Money Trust? Have you heard testifying among the bankers one of the largest and, so far as I know, most respectable, Kuhn, Loeb & Co.? I protest, simply as a Member of the House who sincerely voted for the investigation of the Money Trust, against the method which has subverted the purposes and intentions of that investigation. Now, then, if that committee of 8 lawyers in a Democratic membership of 11, and 1 physician and 2 bankers is not able to properly go into these facts without the necessity of employing special counsel, I would have suggested—and I presume it would have been suggested if the committee had frankly come before the House before they increased their obligations beyond the limit which the resolution authorized them—I would have suggested that if that committee found it necessary, with eight lawyers, to employ another one, that they should procure a lawyer outside of the environment of the things to be investigated.

Mr. FITZGERALD. The original resolution, voted for by the gentleman, authorized the employment of counsel.

Mr. MARTIN of South Dakota. But the amount of appropriation was limited, and then I did protest in a mild way against that——

Mr. COVINGTON. I am sure the gentleman from South Dakota does not want to put the Committee on Banking and Currency in a false attitude. He certainly must be informed that the great head of the firm of Kuhn, Loeb & Co., Jacob H. Schiff, was before the committee and was exhaustively examined. The ramifications of that firm extend to financial groups in Wall Street beyond the sphere of Morgan & Co.

Mr. MARTIN of South Dakota. I certainly do not desire to place any Member of this House, nor any other person, in any false light, and if I am mistaken it is on account of my limited knowledge of Wall Street; and in regard to the firm of Kuhn, Loeb & Co., I am not making any animadversions upon the firm. I understand it is one of the best, but I am talking about the partial investigation that always results from the taking of a man from the very environment which the investigation is intended to cover.

Mr. HARDWICK. The gentleman voted for the resolution authorizing this investigation?

Mr. MARTIN of South Dakota. Certainly; but I did not vote for the $26,000 expended by it without authority.

Mr. HARDWICK. But the gentleman voted for the provision that this committee should have counsel, undoubtedly?

Mr. MARTIN of South Dakota. Yes; I voted for the resolution.

Mr. HARDWICK. Then you voted for this provision?

Mr. MARTIN of South Dakota. I have not anything to clear my skirts from.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. MARTIN] has expired.

Mr. MARTIN of South Dakota. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. If it became necessary to employ counsel for the committee, which I deny—and the suggestion is a reflection upon the great ability of the lawyers on that committee and others of the House—the proprieties of the case should have suggested that the committee go outside of the particular locality, namely, Wall Street, which was to be investigated, to employ their counsel. And then there was impropriety, the counsel being selected from that locality, in turning the whole investigation over to him, the questioning of witnesses, adopting a resolution that no Member should be expected to question witnesses, and then in allowing the counsel to proceed down to Palm Beach, and in the quietude of his vacation to prepare words to put in the mouth of the legislators of this body. This is a degeneration of the proper proceeding of a congressional committee. I want to record my protest against it, and to suggest that any further expense money that may be asked for that sort of proceeding ought to receive the condemnation of this body.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RAKER 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 amendment to 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, 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. MCCUMBER, Mr. BURNHAM, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For folding speeches, to continue available during the fiscal year 1914, $3,000.

Mr. OLMSTED, Mr. BUTLER, and Mr. KAHN rose.

The CHAIRMAN. The gentleman from California [Mr. KAHN] is recognized.

Mr. KAHN. Mr. Chairman, I move to strike out the last word. I have listened with a great deal of pleasure to this debate this morning, and I believe the House is entitled to know and should know who received any emoluments from any of these investigating committees. I have spoken to the chairman of the Committee on Accounts, the gentleman from Missouri [Mr. LLOYD], who told me that that committee does not print the names of persons who have received and are receiving pay during these investigations. I think the House is entitled to know and should know who was in the employ of the various committees of investigation. The gentleman from Wyoming [Mr. MONDELL] says that $330,000 was expended in these investigations. I am told that there was a gentleman named McRae who received $15,000.

Mr. FITZGERALD. If the gentleman had been in here earlier, he would not have made that statement. I stated the amount expended by each committee, and it aggregates $112,000.

Mr. GILLETT. That does not include printing, does it?

Mr. FITZGERALD. No. The expense of printing is never included in that way.

Mr. GILLETT. That is a very large expenditure, is it not?

Mr. FITZGERALD. Yes.

Mr. KAHN. I understand the gentleman from Wyoming——

Mr. FITZGERALD. I can not accept statements of gentlemen who are not informed concerning these matters.

Mr. KAHN. I accept the statement of the gentleman from New York [Mr. FITZGERALD].

Mr. MONDELL. That statement I made is correct—$330,000 in two years.

Mr. KAHN. The gentleman from Wyoming [Mr. MONDELL] again asserts that in two years $330,000 has been spent. The gentleman from New York states that $112,000 has been spent. In either case, it was a very large amount. The discrepancy shows that it would be well if the amounts paid to all employees of investigating committees were printed in itemized statements. I believe the House should know who received every dollar of the amount expended and every purpose for which money has been expended during these numerous investigations.

Mr. GARNER. Will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. GARNER. In this particular instance that is being discussed the gentleman from Louisiana [Mr. PUJO] did put in the RECORD the items for which this money was paid out and gave the names of the gentlemen who were to receive it.

Mr. KAHN. True, in that particular instance, he did; but there have been dozens of investigations in this Congress. This Congress has been called "the Congress of a thousand investigations."

Mr. LLOYD. If the gentleman desires, if he will read the report that is made by the committee in this particular case in the bill now pending, he will find the statement of every dollar that has been expended by these investigating committees, and it does not amount to as much as $100,000.

Mr. KAHN. Are those expenditures itemized?

Mr. LLOYD. Yes, sir. Look at the hearings, on page——

Mr. GARNER. May I say to the gentleman——

Mr. LLOYD. It is an itemized statement, so far as the amount is concerned, which has been expended by each investigating committee. If the gentleman wants to know just what has been expended by any committee, if he will come downstairs to the Committee on Accounts, he will find the books are open, and he can examine for himself and ascertain every dollar that has been allowed to anybody and for what purpose.

Mr. KAHN. I do not criticize the Committee on Accounts; I have the highest regard for the chairman and all the members of that committee. They perform a difficult duty, and perform it well; but I think the House has a right to know the name of every individual who received any of this money.

Now, I am told—I do not know, but I am told—that there was a gentleman by the name of McRea, who was employed by the steel investigating committee. He received something like $15,000 as an expert accountant, and I am told that the full result of his expertness was in digging up some facts that the Steel Trust itself was willing to volunteer, and did volunteer. I do not know whether that be true or not, but I have heard that statement made. At any rate, I think this House is entitled to know the name of every man who received any money as an employee, as an expert, or as an accountant during these investigations.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. I yield to the gentleman; certainly.

Mr. BARTLETT. I want to say in reference to the employment of Mr. McRea that he was employed by the authority of the full committee, participated in by both the minority and majority of the committee, and that his bill for services was first approved, after it was rendered, by a special committee, in which the minority was represented, and before the subcommittee would recommend its payment it was carried before the full committee and investigated and approved.

Mr. KAHN. How much was it?

Mr. BARTLETT. I think the gentleman has stated it correctly, $15,000 for a year's work.

Mr. KAHN. I think he was employed at the rate of $50 a day. I think that was the agreement, and the total amount paid him was $15,000.

Mr. BARTLETT. That is correct.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KAHN. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. KAHN. I am told that in the Sugar Trust investigation there was a gentleman paid $700 for indexing, and that the index work is not yet done for the second volume.

Now, the House has a right to know these things. Gentlemen on the other side have seen fit to cast a doubt on the integrity of many worthy men employed in the Government service in various capacities, and a multitude of investigations were ordered. They have found practically nothing, and yet it has cost the country thousands, yes, hundreds of thousands, of dollars.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. KAHN. Certainly.

Mr. SHERLEY. Was there any one of these committees that did not have a minority Republican representation on it?

Mr. KAHN. Oh, there is no doubt but that the committees did have minority Republican representation. But the full result of the work of the committees is nothing. You found absolutely nothing, although you tried to work a big political scheme by muddying the waters and leading the people of the United States to believe that there was rottenness in the Government. [Applause on the Republican side.] And after investigating all the departments and bureaus of the Government for two years you have found practically nothing upon which to predicate a single substantial charge against any employee of the Federal Government. [Applause on the Republican side.]

Mr. SHERLEY. Now that the gentleman has gotten rid of his opinion, may I ask him as to one other matter of fact? Has any Republican member of any investigating committee of which the gentleman complains risen in his place on this floor to complain of an expenditure as being unjust or unwarranted? And if he has not, why not, if the gentleman's position is right?

Mr. KAHN. Oh, the gentleman must know that I do not complain of these expenditures myself. I simply say that the House and the country have the right to know who were the recipients of the salaries and allowances that were made by the committees.

I will say, further, that, notwithstanding you have made all kinds of investigations, you have unearthed not a single thing that was worth the time or the expenditure that you permitted during this entire Congress. [Applause on the Republican side.]

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

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

Mr. FITZGERALD. Mr. Chairman——

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman from California yielded to me.

Mr. FITZGERALD. The gentleman's time is up.

I just wish to say this: If the gentleman were as familiar with the facts as he is glib with his statements, he would be more careful as to what he says to the House.

As the result of the investigation of the Steel Trust, it may be of interest to the gentleman from California [Mr. KAHN] to know that a suit was precipitated against the United States Steel Corporation by the Attorney General to anticipate what was being done, and a distinguished former member of a Republican Cabinet was retained as a special counsel. This bill carries the balance of the money necessary to pay him $40,000 for his services up to date.

Another investigation originating on this side of the House resulted in the retirement of a member of the Cabinet during the present administration. The gentleman speaks of no results having been attained by these investigations. He should not forget some things very unpleasant to his own party.

Now, Mr. Chairman, I move that all this debate be closed.

Mr. BURKE of South Dakota. Mr. Chairman, I want just half a minute.

Mr. FITZGERALD. I yield to the gentleman.

Mr. BURKE of South Dakota. The gentleman from Kentucky inquired if any Republican member of one of these committees had ever protested against the expenditures of these investigating committees. I want to state that, as one member of a Committee on Expenditures, I have repeatedly protested against the expenses that were being incurred by that committee and against the employment of counsel.

Mr. SHERLEY. What committee?

Mr. BURKE of South Dakota. The Committee on Expenditures in the Interior Department.

Mr. SHERLEY. That was in connection with the investigation by the committee of which the gentleman from Illinois [Mr. GRAHAM] was chairman?

Mr. BURKE of South Dakota. Yes.

Mr. GARNER. That was paid out of the contingent fund.

Mr. FITZGERALD. I will say for the benefit of the gentleman from California [Mr. KAHN] that I hold in my hand the annual report of the Clerk of the House, in which are printed vouchers containing the names, services, and amounts paid to every person and chargeable against the contingent fund of the House; the gentleman, without any more than a due amount of industry, by obtaining the annual report of the Clerk of the House, can procure in print all of the information for which he is clamoring. My impression is that gentlemen do not wish information so much as they desire an opportunity to make sensational and unfounded statements.

Mr. KAHN. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KAHN. I want to say to the gentleman that I am as earnest in seeking information as he is and that my purpose was not to make any sensational statement. I went to the chairman of the Committee on Accounts to find out whether these items were printed. He told me they were not, and I believed and still believe they ought to be printed, and I am glad to learn that they are printed.

Mr. FITZGERALD. They had not been printed at that time. They are printed at the end of the fiscal year.

Mr. MANN. The chairman of the Committee on Accounts has nothing to do with the printing.

Mr. KAHN. I asked the chairman of the Committee on Accounts this morning.

Mr. LLOYD. If the gentleman will permit me, there is no difference between us when we understand each other. The gentleman from California asked me if these accounts were printed, and I said, "No; they are not printed yet, and they will not be printed until the report of the Clerk is printed at some time in the future."

Mr. KAHN. Then, I am right, and the gentleman from New York is wrong.

Mr. LLOYD. The gentleman from New York is right, because all these things will be printed in their regular order. We have now the report of the expenditures during the last fiscal year.

Mr. MANN. They are printed annually.

Mr. FITZGERALD. Of course, they can not be printed before they are made.

Mr. MANN. The accounts can not be printed before they are made up.

Mr. FITZGERALD. Mr. Chairman, I am going to insist now that the debate be germane to the bill. We have had enough irrelevant debate.

Mr. OLMSTED. Mr. Chairman, I have an amendment.

Mr. FITZGERALD. If the gentleman from Pennsylvania has an amendment, I am not going to preclude him from discussing it.

Mr. OLMSTED. Mr. Chairman, I move to amend the paragraph as follows.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 44, line 4, by striking out the last word.

Mr. OLMSTED. Mr. Chairman, I have moved to strike out the much-abused last word for the purpose of putting in what may be my own last word.

Whatever items in this bill may be proper subjects of criticism, it should be remembered that they were not put there by the Committee on Appropriations until they had been authorized by this House. Therefore the blame, if any, does not rest with that committee.

On the 21st of December, 1911, I notified my worthy constituents by open letter published in all the newspapers of my district that I should not again be a candidate for election to this House. I shall retire from this body next Tuesday. This bill, upon which we shall vote in a few minutes, is the last of the great appropriation bills to be passed in this Congress, and is therefore the last in the passage or preparation of which I shall take part.

I have been a member of the Committee on Appropriations for some time, and wish to say that if there is any gentleman in this House or out of it who thinks that Congressmen do not earn their salaries, he ought to sit for a time on that committee. Its labors and investigations extend to every item of property owned by the Government and to every activity of the Government on land and on sea, and in every island of the sea over which our flag floats. These labors are not always pleasant. They are always arduous, but often the committee gets more kicks than compliments for its very best service.

I remember to have met some years ago a member of the President's Cabinet in very bad humor. He had been before the Committee on Appropriations. They had questioned him sharply and cut down his estimates. "Confound JOE CANNON," he began, and then he stopped and added, "but I love him for his rugged honesty and for his unfaltering courage." [Applause.] "And I guess he has saved this country millions of dollars, for probably, if every department got all it wanted, we would soon empty the Treasury."

The distinguished gentleman who, as chairman of the Appropriations Committee, saved hundreds of millions of dollars to the Treasury, and then was elected and served four terms as Speaker of this House, is now the ranking minority member of the committee and, although in his seventy-seventh year, is as active and attentive to his duties to-day as any member of the committee or of this House. He is there by day and there by night. The labors of subcommittees frequently do extend into the night. I desire also to say for the present chairman, the distinguished gentleman from New York [Mr. FITZGERALD], that he is faithful, earnest, intelligent, industrious, painstaking, and patriotic in his labors. And so are all the members of the committee, as much so as possibly could be expected of any set of men. [Applause.]

I could not leave the House without this word of commendation. The committee is composed of 14 Democrats and 7 Republicans, but I have never heard in that committee room a single suggestion of partisanship; it has never entered into the consideration in the framing of any bill since I have been a member.

Now, Mr. Chairman, on Tuesday next I shall retire from this House after a service of 16 years, from a district which has never before returned a man more than for two consecutive terms. These 16 years have been wonderful years in the history of this country. Arising from the depressed conditions of 1896, it entered upon a period of unexampled prosperity and has experienced a growth of national power and greatness unparalleled in the history of nations.

Within that period we have successfully carried on a foreign war, concluded an honorable peace, paid the expenses of the war and repealed the war taxes, wrested Cuba from the cruel hand of Spain and established there a new Republic, freed the Philippines and Porto Rico from the same grasp and given them freer and better forms of government than they had ever before enjoyed and with as much of self-government as they are at present fitted to enjoy, we have annexed Hawaii and made it a Territory of the United States, and by creating three new States we have added three stars to the flag.

Within that period we have firmly established the currency upon a gold basis. We have created two new great departments of Government, thus adding two members to the President's Cabinet. We have established new and important bureaus in other departments; we have commenced and carried well toward completion the Panama Canal, that stupendous undertaking which is destined to be of great and lasting benefit to the whole country; we have established and carried into operation throughout the land the rural free-delivery service, bringing the American farmer into touch with all the world; we have established the postal savings-bank system; we have established the parcel post; a deficit in the National Treasury has been converted into a surplus; within that period of 16 years we have passed constructive, progressive, remedial, regulative, and beneficial laws which, if we except those incident to the Civil War, exceed in importance all the previous legislation of Congress from the time when Frederick Muhlenberg of Pennsylvania, the first Speaker, ascended that rostrum and assumed the gavel, which you, Mr. Speaker, now so skillfully wield.

Within that period our population has increased 50 per cent; the amount of money in circulation in this country has more than doubled; the amount paid out annually in wages for labor has more than doubled; the annual value of our agricultural products has more than doubled; the business of our railroads and the products of our mines and of our factories has more than doubled; our exports and our imports have each more than doubled—in short, the great volume of our commerce, both foreign and domestic, has more than doubled within the past 16 years.

We upon this side of the aisle think that the great growth and prosperity of the country is attributable in large measure to Republican ascendancy in the National Government. Some of you upon that side think that it has occurred in spite of such ascendancy. You hope and believe that after the 4th of March there will be continued growth and prosperity because of Democratic control. We have some misgivings, but hope that prosperity will continue notwithstanding Democratic control.

We all struggle for the same end although we differ in regard to methods and principles of government. Speaking for myself, and I believe for every gentleman upon this side of the House, we can not agree with you in your policies, but we credit you gentlemen upon the other side with the same patriotic desires and impulses which actuate us. We all hope and pray for the prosperity of our country.

I wish to express my appreciation of the many kindnesses and courtesies received at the hands of my fellow Members. I shall return to my home bearing in my heart the kindest feelings toward each and every one, and the associations and friendships formed here will be with me as precious memories to the end of my days. [Loud applause.]

Mr. MONDELL. Mr. Chairman, after the beautiful speech of the gentleman from Pennsylvania [Mr. OLMSTED], whose coming departure we all regret, I am not disposed to further refer

to matters in controversy. I should not do so if it were not for the fact that some figures I quoted a short time ago seem to have been questioned. The item on which I made my statement is this:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, fiscal years as follows.

Following which are two items, one of $75,000, a deficiency in 1913, and one of $10,000, a deficiency in 1912. This is a regular item of appropriation carried on appropriation bills for many years. Under this item of appropriation the expenditure for 10 years prior to 1912 under Republican administrations averaged $95,000 per annum. On the other hand, in the year 1912, during this Democratic House, the appropriation was $75,000 and the deficiency was $105,000, or a total of $180,000. For 1913 the appropriation was $75,000, and the deficiency now asked and just granted is $85,00, a total of $160,000, being a total for two years not of $330,000, as I stated a moment ago, but $340,000. That makes $170,000 per annum for special and select committees under Democratic economy, as compared with $95,000 per annum under so-called Republican extravagance.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. LLOYD. The gentleman does not wish to leave the impression upon the House that the $95,000 expended under Republican administration was for select committees of investigation, and I take it that the gentleman does not want to leave the impression upon the House that the $170,000 to which he refers is on account of select and special committees, but it is the whole of the contingent fund. It includes any expenditures which may be made out of that fund. It includes the amount expended on account of the death of employees; it includes expenditures on account of telephones, telegrams, and a great many other items which I shall not take the time to enumerate.

Mr. MONDELL. Mr. Chairman, the gentleman from Missouri is usually accurate, and always wants to be, but he is unfortunately inaccurate in this matter. I read the item of appropriation, and, so far as I know, it has not been changed in years:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered——

Mr. LLOYD. Mr. Chairman, I am not questioning the gentleman's statement. I am only asking him, if he can, to make a segregation of expense. The first part of this item is miscellaneous expense, and as I remember it the items under the last Republican administration of $95,000 were nearly all miscellaneous expense.

Mr. MONDELL. Mr. Chairman, if the gentleman is through with his exposition of lack of information, I will proceed. I again say, and I read from the RECORD, that the items to which I formerly referred, the item to which I now refer, is as follows, and I know that no Republican Congress ever violated the terms of the law. What a Democratic Congress may have done in violation of it I know not. The item is:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor.

And so forth.

Under a Republican administration for 10 years we spent $95,000, approximately, per annum, and under Democratic so-called economy and muck-raking we have spent last year and this $170,000 per annum.

The gentleman from New York [Mr. FITZGERALD] and the gentleman from Georgia [Mr. BARTLETT], both of whom are generally very frank—neither of whom I charge with any responsibility for this extravagance—have pleaded guilty on behalf of their party to the charge of extravagance and unwisdom, shall I say, lack of wisdom in the expenditure of these sums?

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

Mr. MONDELL. Mr. Chairman, my time was largely taken by an interruption of the gentleman from Missouri [Mr. LLOYD]. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. In order that I may not be compelled to take the time of the committee in discussion of an item soon to be reached, I desire to call attention to the fact that this bill carries a deficiency of $285,000 for the Printing Office. I do not know how much of this deficiency is by reason of the printing of the voluminous reports of these special committees, but I am of the opinion that practically all of it is due to such printing. Therefore, we must add to the very great sums I have just referred to, this additional item of $285,000 for printing.

Mr. MANN. Mr. Chairman, is the gentleman aware that one Member of this House is said to have sent many carloads of printing, as the result of one of these investigations, into his own State?

Mr. MONDELL. I was not personally aware of that fact, though I have heard rumors of it.

Mr. MANN. Mail sacks by the hundreds went out under frank of one Member of this House.

Mr. MONDELL. I am glad to have that interesting information.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have no question as to its accuracy, for I know, and we all know, that tons of literature have been sent out, due to the activities of these special committees.

Mr. HARDWICK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I have only five minutes.

Mr. HARDWICK. I was not here when the gentleman began. I take it the gentleman does not refer to me. I was at the head of one of these investigating committees——

Mr. MANN. The gentleman did not refer to the gentleman from Georgia.

Mr. MONDELL. I want to say that, in my opinion, the investigation conducted by the gentleman from Georgia and his committee was conducted economically and was a very useful investigation indeed——

Mr. HARDWICK. I am obliged to the gentleman.

Mr. MONDELL. And brought out many interesting facts. Now, it has been said here we have not protested against these expenditures. The gentleman from South Dakota and I have repeatedly protested against the expenditures of a committee of which I was a member. It is a fact that any crank, any evil-disposed person, haunting corridors of the Capitol, no matter how irresponsible, could secure the ear and attention of the majority members of these committees, and, absolving Members from any disposition to do anything but perform their duty, I know, and I think others know, that many of these investigations were instituted on the suggestion of people who had miserable personal grievances to air and who had no desire to serve the public interest. The expenditures made and the time wasted do not reflect credit on the American Congress. Some of these investigations started with a flourish of trumpets and beat of drums suddenly subsided into stillness compared with which the voiceless silence of a clam is a cyclone. The Dick-to-Dick letter, the investigation of Controller Bay heralded throughout the Nation and suddenly never heard of more, the Chief Executive of our great Nation brought into question in regard to his veracity and good faith, the newspapers carrying it to the ends of the earth, all based upon a miserable falsehood—these are samples of some of the things done under these appropriations. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. Mr. Chairman, I withdraw my amendment and ask unanimous consent that I may extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For expenses under the resolution of the House of Representatives adopted January 10, 1913, to procure and install the necessary furniture and furnishings for the Hall of Representatives in accommodating and seating the Members of the House of the Sixty-third Congress and to do all such other things as may be necessary in the preparation of the Hall of Representatives for the assembling of the Sixty-third Congress, under the direction and supervision of the Commission to Rearrange and Reconstruct the Hall of the House of Representatives, $25,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, after line 14, insert: "The Maltby Building is transferred to the control of the commission in charge of the House Office Building, and rooms therein shall be assigned for use of Members of the House of Representatives who can not be accommodated in the House Office Building in the same manner and under similar conditions as rooms are assigned in the House Office Building."

Mr. MANN. Of course, I understand the purpose of this is to take care of the surplus Members in the Maltby Building who can not be accommodated in the House Office Building. Is there sufficient room in the Maltby Building which will be ready by the 1st of April to provide rooms for all the Members of the House who desire them in that building?

Mr. FITZGERALD. The Superintendent of the Capitol informs us that there is, and also the necessary furniture, and that it requires only a little work in cleaning up.

Mr. MANN. These rooms in the Maltby Building are of sufficient size to take care of the Members?

Mr. FITZGERALD. I understand so. I have not examined it, but the Superintendent of the Capitol did; and he says the

rooms are ample and that the accommodations will be very suitable.

Mr. MANN. As a matter of fact, those Members who have not yet been accorded filings in the House Office Building are not likely to suffer materially by going to the Maltby Building?

Mr. FITZGERALD. They will be very comfortably located; but most of the Members seem to be desirous of being in the House Office Building. All of the rooms there are assigned, and it is impossible to obtain more than 14 or 15 additional in the present building.

Mr. MANN. Well, the Members like to go to the House Office Building now, but I recall when I had the chairmanship of the committee on the assignment of rooms in the House Office Building very few of those who were in the Capitol Building wanted to get out. It seems like home now, and yet they want to be there; but these new Members—and, necessarily, they will be new Members in the main—in the Maltby Building when they are located there will feel like they are at home there; and I think will be perfectly satisfied, as much as they would be in the office building.

Mr. FITZGERALD. Well, it is the only accommodation that can be afforded.

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

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

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 44, line 10, after the word "Congress," insert a comma and the following: "To fumigate and thoroughly cleanse the Hall of Representatives and all the furniture thereof."

Mr. MOORE of Pennsylvania. Mr. Chairman, I hope the gentlemen of the Appropriations Committee can see their way clear to permit this amendment to be made. It does not do violence to the paragraph, and would be in line of direction to those who are charged with the care and cleaning of the House.

I call the attention of the committee to the fact that we have just passed a paragraph which provides allowances for widows of several Members of the House who died during the third session of this Sixty-second Congress, four of them Democrats and three of them Republicans. Since the Sixty-second Congress began the mortality rate here has been tremendous, greater than it has been for very many years. We have lost altogether 18 Members of the House, while 7 Members of the Senate have died. Now, some of the Members who have died have died of tuberculosis. Every Member understands full well that the air of this Hall becomes very much congested toward the end of the day. We have here an average attendance on the floor and in the galleries of probably 600 every day, and toward the evening, and after a hard day's work, the close, tight air becomes enervating and depressing, and perhaps the beating of the carpets by the pattering of the footsteps up and down stir up the sputum and the dirt and the filth that naturally cling to this carpet, and these germs probably rest on the ledges and hold there from Congress to Congress until some breath of air scatters them through the House.

This could be remedied very readily by fumigation, with very little expense, and it would remove all possibility of danger in the House.

Mr. FITZGERALD. If that be necessary, the Superintendent of the Capitol has the authority, and this appropriation is all that is needed to meet the obligations that have been incurred. It should not be inserted here.

Mr. MOORE of Pennsylvania. It would add to the other work that would be done during the interim.

Mr. MANN. This room during the recess will be stripped apart, the carpets will be taken up, and the floor will be taken up and made over again. What would you fumigate?

Mr. MOORE of Pennsylvania. Does the gentleman mean to say the mere taking up of these carpets and bringing them back would remove live germs?

Mr. MANN. The floor will be taken up.

Mr. MOORE of Pennsylvania. Are these carpets to be returned?

Mr. FITZGERALD. No; they are not. There are to be new carpets.

Mr. FOSTER. Mr. Chairman——

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. I would like to ask the gentleman from New York if it is contemplated in the rearrangement of the House to put carpets upon the floor as they are now?

Mr. FITZGERALD. It is; yes.

Mr. FOSTER. Have any steps been taken looking to the matter of providing some different covering for the floor in place of carpet, as we have now?

Mr. FITZGERALD. It has been discussed frequently. It was suggested, for instance, that in the special session it might be desirable to put in matting, but these rises in the floors are circular, and you could not get matting so it would fit. A year or two ago the Superintendent of the Capitol investigated the question of substituting some different floor material, but he was unable to reach the conclusion that it would be a desirable change to make.

Mr. FOSTER. It seems to me if there is any material different from a carpet, which holds all the dirt, as suggested by the gentleman from Pennsylvania [Mr. MOORE], it ought to be looked into and we ought to secure that kind of a covering for the room. It is well understood now and every good woman, who has charge of a house, and everyone who is looking after sanitary conditions, believes that with carpets such as this is here, which is necessary to remain on the floor all the time, with the constant walking over them, which stirs up the dust, we are continually breathing the impurities that may be on the floor of the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. MOORE] has expired.

Mr. FOSTER. Mr. Chairman, I would like to have about three minutes.

Mr. MOORE of Pennsylvania. Will the gentleman from Illinois [Mr. FOSTER] yield for one question?

Mr. FOSTER. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman recall the meeting at which Col. Gorgas spoke here one evening and remember how packed the place was both on the floor and in the galleries, and how there was a constant hacking and coughing throughout the whole evening by men and women, simply because these germ particles had arisen from the carpets and had penetrated their nostrils and their throats?

Mr. FOSTER. There is no question about that, and people walking through the halls coughing may not expectorate on the carpets; but the very fact of them coughing and that some sputum may come from the mouth, which becomes pulverized and dried, and then stirred up by walking, it is likely to be breathed. I am not able to tell how many people may contract tuberculosis in that way, but it is a well-settled fact now that in all cities, where they look after the sanitary conditions, they try to get rid as much as possible of that kind of material where it would harbor any dust that might convey germs.

Mr. MANN. Mr. Chairman, will my colleague yield?

Mr. FOSTER. Yes.

Mr. MANN. Of course my colleague is familiar with the House Office Building and with the floors in the rooms there and how they are covered. Does the gentleman know of any room where the Member occupying it is doing without a rug and is using the concrete floor—itself rather artistic, and certainly free from dust?

Mr. FOSTER. Well, I will say that there are not so many people in any individual room in the House Office Building as there are in this House.

Mr. MANN. That is true.

Mr. FOSTER. And there is not the trampling in the rooms of the House Office Building that there is here, stirring up the dust; and surely my colleague will agree with me that this carpet is not a good covering to have on the floor if we can secure anything else.

Mr. MANN. Well, when the House Office Building was established I was rather insistent on having floors of concrete placed there and painted, without any other covering, on the ground of health.

Mr. FOSTER. Yes.

Mr. MANN. The floors there are of concrete, painted, and ready to be scrubbed.

The CHAIRMAN (Mr. CULLOP). The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that my colleague have five minutes more. I took some of his time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks that his colleague [Mr. FOSTER] be permitted to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Chairman, every Member of the House desired to have a rug on the floor of his room over there, and usually he had some particular notion as to what the color of the rug should be. When I went into my quarters in a committee room over there some years ago I nearly paralyzed an officer of this House when I asked him to take the carpet off the floor.

Mr. FOSTER. I think my colleague is very sensible on that.

Mr. MANN. And, notwithstanding that, during my service in the House I am growing fat.

Mr. FOSTER. I realize that, and I realize that a man may grow fat on account of some disease that he has contracted. But that does not affect the argument that these carpets may breed disease. If that is not true, then all the sanitary science of the country must be thrown away, and every man must go out and live according to his own notions. My colleague is not in favor of that, I am sure. In the House Office Building we have rugs, it is true, but they are easily removed, and the floor cleaned and the rugs cleaned, so that the situation there is not like what it is in this House of Representatives.

Mr. WILLIS. Mr. Chairman, the gentleman is speaking very interestingly on the subject of sanitation, and he is an authority on that subject.

Mr. FOSTER. No; I do not pretend to be.

Mr. WILLIS. Yes; I think he is. I would like to have his opinion about the chances of contamination from the use of the public drinking cups here in this House. There is not a schoolhouse——

Mr. FITZGERALD. Oh, I hope the gentleman will not interject that into this discussion.

Mr. WILLIS. Just a moment.

Mr. FITZGERALD. I am opposed to that.

Mr. WILLIS. There is not a schoolhouse or public place in the country where they pretend to enforce public sanitation but where the public drinking cup, which is an abomination, has not been put out of use. What does the gentleman think of that?

Mr. FOSTER. I think the suggestion of the gentleman from Ohio is a very pertinent one, and if I had my way I would do away with every public drinking cup in this building and supply sanitary drinking cups at the expense of the Government, so that every person visiting this Capitol could secure one.

Mr. MARTIN of South Dakota. I suppose the gentleman has noticed that that has been done at the Senate end of the Capitol. How long does the gentleman think it will take the House to catch up with the Senate?

Mr. FOSTER. Well, I could not tell.

Mr. LAFFERTY. Mr. Chairman——

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. What is the motion pending before the House?

The CHAIRMAN. The amendment of the gentleman from Pennsylvania. The debate on the amendment has expired. The proceedings are now going on by unanimous consent.

Mr. BARTLETT. I ask for a vote.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks for a vote.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oregon moves to strike out the last word.

Mr. LAFFERTY. Mr. Chairman, I do not suppose there is a public hall in the United States that is as poorly ventilated as this Hall, provided for the Representatives of the people.

Mr. MANN. Will the gentleman yield?

Mr. LAFFERTY. Yes.

Mr. MANN. Has the gentleman ever examined the ventilating apparatus of this Hall?

Mr. LAFFERTY. Oh, we have a little ventilation, with impure air coming up from the subway through underground passages.

Mr. MANN. The gentleman evidently has not examined the ventilating apparatus of this House. I venture to say that there is not another building on earth that has as perfect ventilation as this Hall of the House of Representatives.

Mr. LAFFERTY. After the gentleman has served here for many years I find that his megaphone is in very poor condition.

Mr. FITZGERALD. Much better than when he came here, I will say.

Mr. LAFFERTY. It must have been in an awful fix when he came, then.

Mr. MANN. Unlike some Members of the House, I do not carry a megaphone. [Laughter.]

Mr. LAFFERTY. Eighteen Members of this House have died during this session, and it is authoritatively stated that many of them died from lung disease.

Mr. MANN. During this session?

Mr. LAFFERTY. During this Congress. This Hall is located inside of other rooms. We have not a single outside window opening into this Hall. No ray of sunlight can penetrate this Hall at any angle. I say that this ancient roof, although it bears the coats of arms of many of the States, should be completely removed and a modern roof put on it, so that it can be raised during the long, hot, summer months, and let the pure air of heaven and the purifying rays of the sunlight come into this old musty Hall and give health and vigor to the men who are sent here [applause]; because I know that there is no place in the United States where men are compelled to work harder than they do as Members of the House of Representatives. [Applause.]

Mr. MANN. Mr. Chairman, many Members of the House who have not served here very long, and who have given very little attention to what is actually around the House, have the impression that the Hall of this House is badly ventilated. No system of ventilation is possible which will keep the air pure in a room filled with a large number of men without creating a draft, which is objectionable to them. Underneath the floor of this Hall is a room that is as clean as clean can be. Into that room air is conducted from a distance from the building on the outside, through a clean conduit, bringing absolutely fresh air from the outside, air as fresh as can be found anywhere near the Capitol. That is brought into the room beneath the floor of this Hall. There the air is warmed. It comes up through the floor of the House. At the top there is a fan which would blow my heavyweight friend from Oregon [Mr. LAFFERTY] out of the building if he should get in front of it; as strong an exhaust as can be had without creating an objectionable draft. Now, the opening of the roof to the outside, instead of aiding the ventilation of the building, would destroy it; because then the exhaust, instead of taking the air from the lower part of the room, would take the pure air from the roof and from the outside, and give no circulation at all.

Mr. BURKE of Pennsylvania. I understand the cold air comes from below and the hot air from right here on the floor.

Mr. MANN. When the gentleman speaks, that often happens. [Laughter.]

Mr. SHERLEY. Mr. Chairman, I agree with much that the gentleman has said, but there is one thing that I think could be devised that would remedy conditions very much here if, instead of the laborers coming in here and sweeping after adjournment and then sealing up the place and getting out as quickly as they can, they had a modern method of cleaning the floor by suction.

Mr. MANN. Throwing open the windows would not help the ventilation, because the ventilation is going on all the time and taking the air from the bottom, where the foul air is. Gentlemen assume that they want outside windows open. The commission on remodeling the Hall of the House had that under consideration for a long time. I venture to say that no committee appointed by this House to consider the subject would in the end move any wall of this room to the outside.

Mr. AKIN of New York. Will the gentleman yield?

Mr. MANN. Yes.

Mr. AKIN of New York. Can not some arrangement be made to carry off the bad air that occurs in the House by putting it into the CONGRESSIONAL RECORD?

Mr. MANN. Much of it is done that way, and the gentleman from New York contributes his share.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Pennsylvania.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For the construction of additional rooms at the House Office Building and for each and every purpose connected therewith, to be expended under the commission in control of the House Office Building, $220,370, to continue available until expended.

Mr. MILLER. Mr. Chairman, I notice that this item is quite a large one, over $220,000.

Mr. FITZGERALD. This is to put an extra story on the court side of the House Office Building, providing 49 additional rooms.

Mr. MILLER. I notice the language is "for each and every purpose connected therewith." Will that make available any of this fund for furniture in any of the offices now existing?

Mr. FITZGERALD. No; this is not for furniture. This is to enable the Superintendent of the Capitol to employ additional technical service, to do whatever is necessary in the work of construction, without having his accounts held up by the auditor.

Mr. MILLER. It may not be applicable here, but I would like to ask the gentleman, if he can answer, out of what fund are bookcases and things like that purchased?

Mr. FITZGERALD. The item of "Furniture and materials for repair of same," on the top of page 44.

Mr. MILLER. I would like to ask the gentleman if there has been any increase in the amount?

Mr. FITZGERALD. There is a deficiency of $29,500, $4,500 of which is for new carpet in the Hall of the House and $25,000 on account of typewriters purchased and additional ones which must be purchased at the beginning of the session.

Mr. MILLER. In my humble judgment, there is nothing more seriously needed in the House Office Building than some refurnishing.

Mr. FITZGERALD. In what particular?

Mr. MILLER. Some of us have been trying for four years to get a bookcase, but are always informed that there are no funds available, and that one bookcase is all that is allowed.

Mr. FITZGERALD. That is all that is necessary.

Mr. MILLER. I beg the gentleman's pardon; it may be for some, but not for others.

Mr. FITZGERALD. We can not have a library in every office.

Mr. MILLER. I do not care to have a library, but a little cheap bookcase is hardly sufficient.

Mr. FITZGERALD. Those bookcases are not cheap.

Mr. MILLER. If they can be made any cheaper, I do not know how.

Mr. FITZGERALD. They are mahogany. That is a matter entirely under the direction of the Clerk of the House as to the furniture to be placed in the rooms.

Mr. MILLER. The Clerk of the House always says he would be glad to do it, but he has no appropriation.

Mr. FITZGERALD. He is given all he asks for.

Mr. MILLER. Then the matter of the filing cabinets—they are extremely antiquated.

Mr. FITZGERALD. A good deal of criticism of the furniture has been made, but the Clerk informed the committee that he was supplying to the best of his ability the modern filing cases for Members.

Mr. MILLER. I would like to know how to secure one.

Mr. FITZGERALD. The gentleman should apply to the Clerk.

Mr. MILLER. What words shall I use in order to get one, for I have not been successful so far?

Mr. FITZGERALD. I have not procured anything for myself, I will say to the gentleman.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman allow me to make a suggestion?

Mr. MILLER. Yes.

Mr. BURKE of South Dakota. Mr. Chairman, it is not necessary at all for the gentleman from New York [Mr. FITZGERALD] to tell the gentleman from Minnesota how to get things.

Mr. FITZGERALD. That is correct.

Mr. BURKE of South Dakota. I have noticed that the gentleman knows, without any suggestions from anybody, how to get anything he wants.

Mr. FITZGERALD. If the gentleman fails to get anything around here, I do not know anyone who succeeds.

Mr. MILLER. Mr. Chairman, I appreciate the kindness and the generosity of the gentlemen in their feeling toward me. I am merely bringing this up to call to the attention of the House many things that I think ought to be changed. The gentlemen who are fortunate enough by virtue of their ability and position to occupy chairmanships of committees are not in any of these straights. They have ample quarters, all of the fixtures that they need, and have excellent up-to-date filing cases, but with the average new Member, and some who are not so new, he finds himself confronted with office fixtures and furniture not up to date and not usable in handling business expeditiously.

Mr. FITZGERALD. The particular article of furniture to which the gentleman refers——

Mr. MILLER. There is no filing cabinet originally provided in these rooms that is fit to be used anywhere.

Mr. FITZGERALD. I was not on the commission that selected the furniture. It was supposed to be a desirable piece.

Mr. MILLER. It is a beautiful piece of furniture, but it is not usable.

Mr. FITZGERALD. It has not turned out to be satisfactory. The Clerk says that he is furnishing, as quickly as possible, the modern flat filing cabinet.

Mr. MILLER. I will ask the gentleman if in his judgment he does not think it wise to appropriate either in this bill or in the legislative bill in the next Congress, a few thousand dollars for extending the up-to-date filing devices to other Members who have not heretofore been successful in getting them.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

The Chair would call the attention of the gentleman from New York to what is evidently a misprint. The Chair refers to the word "purposes" in line 16, page 44. The "s" should be stricken out there, leaving the word "purpose," and without objection it will be so amended.

There was no objection.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I desire to get the attention of the gentleman from New York [Mr. FITZGERALD]. I notice that on page 44, lines 15 to 19, inclusive, there is a provision for $220,370 for the construction of additional office rooms in the office building. What is the proposition?

Mr. FITZGERALD. It is to raise the attic story of the interior of the building. It gives another story on the court side of the building.

Mr. MADDEN. On the interior?

Mr. FITZGERALD. Yes; on the court side.

Mr. MADDEN. Is not the court side of the building as high as the outside of the building at the present time?

Mr. FITZGERALD. I do not remember, but at any rate, the statement is made that the additional story can not be seen from the outside. The roof is so arranged that it can not be seen from the outside.

Mr. MANN. The court side, of course, as far as the roof is concerned, is the same, but the outside of the building is raised high enough, as far as the front is concerned, to permit of the construction of this extra story without its being seen from the outside.

Mr. FITZGERALD. That was the intention in the original structure.

Mr. MADDEN. So that they can carry up the outside wall around the court to the height of the outside wall on the street side and make an additional story?

Mr. MANN. On the inside.

Mr. FITZGERALD. Not exactly. It makes an additional story on the interior, but not on the exterior of the building.

Mr. MADDEN. So that there will be five stories on the inside and four stories on the outside?

Mr. MANN. That is right.

Mr. MADDEN. Can that be done without destroying the symmetry of the building as you look upon it from the street?

Mr. FITZGERALD. That is the statement of the Superintendent of the Capitol.

Mr. MANN. One can not see it at all. That was contemplated when the building was constructed.

Mr. COOPER. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] has asked the same question that I was going to put. Is it possible to put an additional story around that court without its being observable from this end of the plaza?

Mr. FITZGERALD. That is the statement I make, for I asked that question myself.

Mr. COOPER. The gentleman will remember that for a time they did have something on top there over the elevator shafts. It looked very bad indeed from this end of the plaza.

Mr. FITZGERALD. The original plan of the building contemplated this additional story on the interior of the court.

Mr. MANN. I can say to the gentleman this will not require the raising of the center of the roof at all. The roof there runs down from the center toward the front and toward the court, and the court side can be raised a full story without raising the center of the roof at all.

Mr. MADDEN. That is because of the fact the wall on the outside is so far above the top of the fourth story.

Mr. MANN. There is no trouble at all.

Mr. COOPER. Have Carrere & Hastings, the architects of the building, been consulted about this?

Mr. FITZGERALD. This is the plan of Mr. Woods, Superintendent of the Capitol; it is his creature.

Mr. BARTHOLDT. Mr. Chairman, I would like to ask the gentleman from New York a question. Has the committee taken into consideration any provision for the transportation of Members from the Capitol to the House Office Building?

Mr. FITZGERALD. The appropriation for that purpose was made two years ago, and only one bid was submitted; the commission rejected that bid and decided to take no further action.

Mr. BARTHOLDT. Does not the gentleman think something ought to be done, something like that which the Senate has provided for its convenience?

Mr. FITZGERALD. I do not think so. I was over in that building for several years and——

Mr. BARTHOLDT. Of course the gentleman does not feel the necessity as we do.

Mr. FITZGERALD. I had my office over there, and it was one of the farthest from this building; I had to come over frequently in response to calls, and I have traveled on the Senate side. The commission went over the matter and decided not to make the expenditures authorized.

Mr. BARTHOLDT. I will say 20 years ago I would not have minded it as much as I do now. There are quite a number of gentlemen on both sides of the House who feel a great inconvenience in being called upon to walk three or four times a day——

Mr. FITZGERALD. They should not be called upon; the gentlemen should remain here while the House is in session, and then they would not be compelled to come over here three or four times; I do not favor anything that would induce Members to remain over in that building and not stay here when the House is in session. We have enough trouble to keep a quorum now.

Mr. BARTHOLDT. How often does the gentleman go into his committee room?

Mr. FITZGERALD. My committee is practically in session all during the session of the House.

Mr. BARTHOLDT. Then the gentleman does his business there——

Mr. FITZGERALD. I do no work in my committee room while the House is in session except as a member of the committee. After the House adjourns I then do my work.

Mr. BARTHOLDT. I certainly trust, Mr. Chairman, that the committee will take into consideration in the future the necessity of providing transportation to the Members from the Capitol to the House Office Building. I do not care to offer an amendment now.

The Clerk read as follows:

To pay South Trimble, Clerk of the House of Representatives, the amount due for services in compiling, arranging for the printer, reading proof, indexing of testimony, stenography and typewriting, supervision of the work, and expenses incurred in the contested elections of the Sixty-second Congress, as authorized by an act entitled "An act relating to contested elections," approved March 2, 1887, the sum of $2,153.90, and an additional sum of $1,400 to such persons as were actually engaged in the work designated by the said South Trimble, and in such proportions as he may deem just for assistance rendered in the work; in all, $3,553.90.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Has this item ever appeared in a deficiency before?

Mr. FITZGERALD. I has appeared every two years.

Mr. MANN. I had the impression it was paid out of the contingent fund.

Mr. FITZGERALD. No; we looked that up in committee.

Mr. MANN. Well, I think I am right, just the same. I O. K'd the Clerk's bill for six years on these contested-election cases.

Mr. FITZGERALD. It was put in the deficiency bill.

Mr. MANN. Well, I of course accept the word of the gentleman from New York and also the clerk of the committee.

Mr. FITZGERALD. I make the statement so positively because, as a matter of fact, in the committee there was considerable discussion, and the clerk had to trace it back, and my recollection is it went to 1888.

Mr. MANN. I am quite clear that when I certified these accounts I used to have a quarrel with the clerk about it because I did not allow him as much as he wanted and he did not wish to put it in any bill at all—got it out of the contingent fund without any advertising.

Mr. SISSON. Will the gentleman yield for a moment?

Mr. MANN. Certainly.

Mr. SISSON. I think the gentleman is mistaken, at least for the last few years, because this matter was thoroughly investigated in the subcommittee, and we found it was carried in this bill. I will state to the gentleman this is one of the items in the bill which was called to my attention, and it is so much larger than usual we had the matter investigated to see whether or not the item had been carried in other bills. We went into a very thorough investigation.

The Clerk read as follows:

To pay A. A. Steele for indexing the Judicial Code for the use of the Committee on the Judiciary, $200.

Mr. MANN. Mr. Chairman, I reserve a point of order on this item. Why should it be in this bill?

Mr. FITZGERALD. It was put in at the request of the Committee on the Judiciary.

Mr. MANN. If it is a proper item, why was it not paid out of the contingent fund?

Mr. FITZGERALD. My recollection is they went to the Committee on Accounts first and were sent to the Committee on Appropriations.

Mr. MANN. Do I understand it to be the policy of the present Committee on Appropriations to insert any items in the bill for extra expenses which a committee asks for?

Mr. FITZGERALD. No; the policy is just the contrary. This seemed to be such an extraordinary case, where somebody had been burglarized, that the committee thought they ought to make this recommendation. The Committee on the Judiciary claims that this man did the work. The Senate has paid some one on the Senate side for doing it.

Mr. MANN. What is the occasion for having two men do the work?

Mr. FITZGERALD. They did not have two men. The House committee contends that Mr. Steele did the work.

Mr. MANN. I apprehend whoever had jurisdiction over the matter did the work. We heard that story once before, that somebody was paid and somebody else did the work, but I notice we are paying just as much now for having the work done as we were then. Of course the item is small, and I am not going to insist on the point of order.

Mr. FITZGERALD. The gentleman from Pennsylvania [Mr. MOON], who knew all about it, and the gentleman from Alabama [Mr. CLAYTON]——

Mr. MANN. Do not the distinguished lawyers on the Committee on the Judiciary know that they had no authority to engage anyone to do this work until they had received permission from the House?

Mr. FITZGERALD. They understood that, but they were using this judicial code, and it had not been indexed.

Mr. MANN. I know; but they could apply at any time to the Committee on Accounts.

Mr. FITZGERALD. This is in the nature of a number of matters in this bill, where the officials act in advance and make their claims later.

Mr. MANN. The officials of the Government, many of them, do not know what the law is until they run against a decision of the auditor and the comptroller, and that happens frequently; and my only regret in this matter, for I shall withdraw the point of order, is that the 21 distinguished lawyers on the Committee on the Judiciary had not learned, or some of them had not learned, that they had no authority under the law to incur an expense of this kind which had not been authorized by the House. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

After March 4, 1913, those members of the Committee on Ways and Means who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on Ways and Means during the first session of that Congress, are authorized to employ such expert, clerical, and stenographic services, and to gather such information, through Government agents or otherwise, as to them may seem fit in the preparation of a bill or bills for the revision of the present tariff law; and they are authorized to have such printing and binding done, and to incur such other expenses as may be deemed necessary; all the expenses hereunder, except for printing and binding, not exceeding $10,000, shall be paid out of the contingent fund of the House on the usual vouchers approved as now provided by law.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I notice in this paragraph, as well as in the paragraph that follows it on page 46, that provision is made for action by the Committee on Ways and Means and in the other case by the Committee on the District of Columbia, "or a majority of them." Will the gentleman state whether it is customary to use that language "or a majority of them"?

Mr. FITZGERALD. This is the customary provision inserted prior to a session in which it is understood there is to be a revision of the tariff, and the work in the preparation of the bill is always done by the majority of the committee.

Mr. MOORE of Pennsylvania. It means the majority of the committee is authorized to go ahead and make expenditures to do the work without regard to the minority?

Mr. BARTLETT. Oh, no.

Mr. FITZGERALD. A majority of the members, not the majority members of the committee.

Mr. MOORE of Pennsylvania. In other words, it is written here in the law that the majority of the committee shall rule. That is substantially the situation?

Mr. FITZGERALD. The gentleman is mistaken. Unless "or a majority of them" is inserted it will require acquiescence of every Member elect who is now on the Committee on Ways and Means to do anything. This authorizes a majority of those who will be in the next House who are now on the Ways and Means Committee to act. Otherwise one cantankerous individual could hold everything back.

Mr. MOORE of Pennsylvania. I am one of those of the minority who believe the majority should rule. I have no objection to the use of this term, except it intends to keep out the minor-

ity, which might have some suggestions to make. But it seems to me the use of the term in this particular instance may lead to some embarrassment from a political point of view. That is to say, there is a very serious question which may be determined against the so-called "party in power" now—the Democratic Party—as to what is the real majority in this country and what is the real majority in the House.

A very excellent tabulation of the popular vote has just been made, apparently with authority of the House, by the Clerk of the House of Representatives, by which it appears that Mr. Roosevelt received for President 4,121,036 votes, and that Mr. Taft received 3,485,776 votes, that Mr. Debs received 888,029 votes, and that the Prohibition candidate and "miscellaneous" received 233,929 votes, a total of 8,728,770 votes, while Mr. Wilson, who has been declared elected President of the United States and who is to take his seat on March 4 next, received a total of 6,293,270 votes, or 2,435,500 less than a majority.

Mr. FITZGERALD. But he got enough. [Laughter.]

Mr. MOORE of Pennsylvania. Therefore Mr. Wilson would appear to have been the minority candidate, and it is a grave question whether the other side really represents the sentiment of the majority of the people of the country.

Mr. FITZGERALD. We shall take our chances. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Taft and Mr. Roosevelt combined received sufficient votes to overtop Mr. Wilson by 1,313,542. I draw attention to these facts, which are very significant at this time, in order to relieve the Ways and Means Committee and the Committee on the District of Columbia and the eloquent gentleman from Alabama [Mr. HEFLIN] and others who defend the Democratic position in this House from any possible embarrassment that may arise hereafter from writing in the law at this time that the majority shall rule, when the popular majority is not on the other side but with the Republicans. [Applause.]

Mr. HEFLIN. Mr. Chairman, I move to strike out the last word.

I want to say to the gentleman on the other side [Mr. MOORE of Pennsylvania] that Gov. Wilson has back of him a majority of the voters of the country. The Southern States, from Texas on around were solidly Democratic. When the election came on the cotton fields of the South were white. The people of the South were very busy. Nobody thought that there was any danger in any one of those States of a Republican victory. Accordingly thousands of people who would have gone to the polls if it had been necessary did not go, and if they had gone and we had polled our full strength in those solidly Democratic States Mr. Wilson would have a majority now instead of the vote that he did have, and he has back of him the support, the prayers, and good wishes of a majority of the voters of America. [Applause on the Democratic side.]

Mr. MANN. Mr. Chairman, if all of the people in the South who would be entitled to vote under manhood suffrage, which gentlemen on that side of the aisle frequently favor in our foreign possessions, had been given the right to vote and had exercised it in the Southern States Mr. Wilson would not only not have received a majority of the popular vote but he would not have received a majority of the popular vote in many of the Southern States.

Mr. HARDWICK. Who would those fellows have voted for? Teddy?

Mr. MANN. And I doubt whether the distinguished gentleman from Alabama [Mr. HEFLIN] would be giving us the pleasure of his company. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, we got enough for the present. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

After March 4, 1913, those members of the Committee on the District of Columbia who are Members elect of the House to the Sixty-third Congress, or a majority of them, until the meeting of the first session of the Sixty-third Congress, and the Committee on the District of Columbia during the first session of that Congress, are authorized to expend, for the purposes stated, and under the conditions stipulated in the resolutions of the House Nos. 154 and 200, adopted June 6 and 12, respectively, 1912, out of the contingent fund of the House, a sum not exceeding the balance unexpended on March 4, 1913, of the whole amount authorized to be expended under said resolutions.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 46, in line 17, strike out the word "and," where it last occurs at the end of the line, and insert the words "five twenty-six," and in line 18, after the word "June," insert the word "first."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

JUDGMENTS, COURT OF CLAIMS.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1378, namely:

Under War Department, $11,017.65.
Under Navy Department, $5,113.97.
Under Department of Justice, $230.
In all, $16,361.62.

Mr. MILLER. Mr. Chairman, I would like to ask the gentleman from New York, in charge of the bill, a question.

Mr. FITZGERALD. Very well.

Mr. MILLER. My colleague on the Committee on Indian Affairs [Mr. BURKE of South Dakota] intended to propound this inquiry, but he temporarily stepped from the room and will be back in a moment. When he comes back he will proceed.

There has been recovered by the United States in favor of the Ute Indians approximately $3,000,000. The usual procedure in cases of this kind is for the amount of the judgment to be incorporated in the general deficiency bill and paid. That judgment was recovered many years ago, but it has not been paid.

Inquiry was made a year ago when this bill was up for consideration as to why it was not incorporated in the bill, and such excuse as the committee had to give was then offered. It did not appear entirely satisfactory to some of us, at least, but the impression we then gained was that this year the matter would receive better treatment.

I notice, Mr. Chairman, that this bill does not contain any provision for paying that judgment. These Indians are in need. The amount of this judgment is approximately their total wealth, exclusive of the lands upon which they reside, and which form a part of their reservation, lands that are not immediately productive, that are arid or semiarid, and at best can yield such scanty sustenance only as can come by the grazing of sheep. The country was shocked a few weeks ago to learn of an armed conflict between portions of these Utes and officials. A Mexican sheep herder was killed, and there was something like an insurrection there because of an effort on the part of the authorities of that locality to apprehend the men who had committed the crime. Those men resisted arrest, because, under their ideas and as they understood the law and their rights, the intruders had no business there, and they took the only means they could use to prevent the taking of their property and their lands. Now, I should like to ask the chairman of the committee why it is that this item is not incorporated in the bill.

Mr. FITZGERALD. The department submitted its estimate in such form that it was ascertained, upon an examination of the provision, that it would permit the use of part of the principal of this judgment in a manner not now authorized by law.

Mr. MILLER. Do I understand the gentleman to refer to that portion which would go to pay attorneys for their services?

Mr. FITZGERALD. No; I refer to the use of the principal of the judgment in a way not authorized. The committee ascertained that there was carried in the current law, in the Indian appropriation bill, $100,000, which is reimbursable out of interest on this judgment, and the present Indian bill has $100,000 additional. In view of the situation, the committee found itself unable to reach an understanding and decided to let the matter go over for the present.

Mr. MILLER. Is it the contention of the committee that this item was not incorporated in the bill solely because the estimates submitted by the department were not in proper form?

Mr. FITZGERALD. No; that was not the reason.

Mr. MILLER. That was what I understood the gentleman to say.

Mr. FITZGERALD. That was something that made it very difficult for the committee to act. It involved the examination of a very considerable number of documents in order to ascertain exactly the form in which it should be placed, and the committee decided that as the Indians would not suffer for the present it could be deferred. The judgment must be paid. There is no doubt about that.

Mr. MILLER. Can the gentleman inform the House how long a time has elapsed since that judgment was rendered?

Mr. FITZGERALD. I do not recall exactly. I think two years.

Mr. BARTLETT. September, 1911.

Mr. FITZGERALD. About two years.

Mr. MILLER. Does the gentleman think this is a matter that should be quibbled about?

Mr. FITZGERALD. I think it has not been quibbled about. I think there was a very serious question raised last year as to whether Congress should not compel the Attorney General to take an appeal on behalf of the United States. He wrote to me and, I think, to the gentleman from Illinois and to the

gentleman from Massachusetts a very voluminous explanation of the reasons that induced him to believe that it was in the interest of the United States not to appeal rather than to appeal.

Mr. MILLER. My colleague on the committee, the gentleman from South Dakota [Mr. BURKE], has now returned to the Chamber. He is very much interested in this item, and I yield the floor to him.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. This is an item that was discussed last summer at the time the deficiency appropriation bill was pending in the House. I brought it to the attention of the committee and the chairman of the Committee on Appropriations, and my understanding at the time was that unless some reason which did not then appear should manifest itself at this session of Congress an appropriation to pay the judgment would be made.

The facts of the matter are that under the treaty of 1880 these Indians had a paper credit in the Treasury of $1,250,000, upon which they were paid 4 per cent interest annually, and received every year $50,000. When the jurisdictional act was passed sending the matter to the Court of Claims it provided that in any judgment that might be rendered the $1,250,000 should be merged. A judgment was rendered, and the $1,250,000 was a part of the judgment, and the $50,000 a year which the Indians had been receiving ceased.

So, after some time in 1910, the Indians ceased to receive $50,000, which they had been receiving annually under the treaty made in 1880—since that treaty or agreement was ratified.

In addition to losing the $50,000 there was taken from their money $211,000 and paid to some attorneys in this city who had rendered service in lobbying and obtaining legislation, which was the jurisdictional act, and subsequently taking the case through the Court of Claims.

What I fear is that if this matter is allowed to drag along these same attorneys or lobbyists will show up here with another contract, and that when the appropriation is made for the judgment of the Court of Claims, the time for appeal having expired, they will get $211,000 more. I say that having taken from the Indians the $50,000 they were receiving annually and then taking $211,000 for attorney's fees is a matter that can not be defended and is nothing short of an outrage.

In the last Indian appropriation bill we put in an item in conference because there was a Senate amendment on the appropriation bill of three millions and some odd hundred thousand dollars to pay the judgment. It did not properly belong on the Indian appropriation bill, and in conference the gentleman from Texas and the gentleman from Oklahoma, Mr. CARTER, and myself, in lieu of the Senate amendment, agreed to an item of $100,000, making it reimbursable from an appropriation that may be made at some future time to pay the judgment, so as to give the $50,000 a year to the Indians for two years and providing that it should be spent by the Secretary of the Interior in his discretion for their relief. As I understand it now there is nothing in the Indian appropriation bill.

Mr. FITZGERALD. I understand there is $100,000.

Mr. BURKE of South Dakota. I want to say to the gentleman from New York that there is nothing that can be said about that jurisdictional act and how the judgment was obtained that I will not acquiesce in fully, but here is a final judgment from the Court of Claims of three millions and some odd hundred thousand dollars which must be paid. My hope is that it can be and will be paid before a contract is made to pay lobbyists or attorneys a commission amounting to another large sum of over $200,000.

Mr. FITZGERALD. I want to say that when the item is finally appropriated it will have a provision that no part of it shall be paid to any attorney. I agree with the gentleman fully as to the character of the fees that were paid.

Mr. BURKE of South Dakota. I think that if the gentleman from New York has looked into this matter since the last session—I have looked into it very thoroughly—he will find that while there was some disposition to criticize the Court of Claims the fact is that the Court of Claims was directed by the jurisdictional act in such a way that it was absolutely impossible for the court to do otherwise than it did and render a larger judgment which, in my opinion, was a much greater sum than was owing to the Indians if they had any claim at all except the $1,200,000.

Mr. STEPHENS of Texas. Mr. Chairman, there were $211,000, out of the $3,000,000 judgment rendered in favor of these Indians, obtained by attorneys. The money had not been appropriated by Congress. The Indians have received nothing from the judgment, but the law was so framed that the attorneys could get their fee at once, and their percentage fee amounted to $211,000. This judgment prevented the Indians from getting the gratuity of $50,000 that had been given to them annually, but this gratuity was merged in the judgment, and they were afterwards prevented from obtaining the annual $50,000 gratuity. The attorneys got the $211,000 that has been paid on that judgment, and the Indians have been damaged to the extent of losing the amount that they were drawing annually before the rendition of the judgment. Last year the Indian appropriation bill carried a provision for the payment of this judgment under the direction of the Secretary of the Interior. It was stricken out because it properly belonged to this committee and should have been in this bill. But we find it missing from the bill this year, and it is not in the Indian appropriation bill. We will be compelled to give them a gratuity in lieu of taking the $3,000,000 out of the Treasury that should be paid to them. If the Indian Committee had jurisdiction, we could control the matter, but the jurisdiction being between the two committees there seems to have been no concert of action, and the Indians are the sufferers thereby.

Mr. CANNON. Mr. Chairman, I was somewhat familiar with this situation at the last session of Congress, although I do not say that I was fully familiar with it. I have a habit, which is growing upon me, of forgetting from one year to another the details touching appropriations like this. My recollection is that under the treaty with the Ute Indians this judgment was alleged to have been had. It seems to me, if I recollect right, while I do not desire to mention the name of any attorney or attorneys representing the Indians in securing the legislation under which the judgment was rendered, it was a regular lobbying association for the legislation, and the judgment followed as a matter of course, and this, too, under conditions where the House was deceived as to the effect of the legislation.

Mr. BURKE of South Dakota. Mr. Chairman, I would suggest to the gentleman from Illinois that these Committees on Expenditures in the Interior Department, which are now termed investigating committees, might have profitably expended some time in going into the details with reference to the legislation which resulted in this large judgment and in the payment of this fee of $211,000.

Mr. CANNON. From my recollection about it I think the statement is justified, providing that it is desirable after a thing has happened to go into an investigation of that kind. I am under the impression, without mentioning any names, that if the facts could be known through an investigation, many eminent gentlemen in the United States who shared in the division of the spoils of the lobby might be called upon to rise and explain.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. STEPHENS of Texas. I desire to state that we find that this appropriation is carried in the bill under the heading of Utah, so that we will have jurisdiction of it.

Mr. CANNON. Here is a large judgment. These Ute Indians have an empire still remaining, to which under treaty they have title. This represents a small part of that magnificent grant that they have. I want to ask the gentleman from South Dakota if this appropriation is made under existing law and treaty whether it will remain in the Treasury, the interest thereon to be paid to these Indians for their subsistence?

Mr. BURKE of South Dakota. Mr. Chairman, I will say in response to that that I have just had a conversation with the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], in which we mutually agreed that when this appropriation is made the money should be placed in the Treasury subject to further action by Congress and not paid out to the Indians.

Mr. CANNON. I should think it ought to go further than that.

Mr. FITZGERALD. Mr. Chairman, under the agreement the proceeds of the judgment was to be placed to the credit of the Indians and the interest is to be paid to them annually in lieu of the annuities which they heretofore received. The department this year and last year in submitting the estimate submitted it in such form that the entire principal could be expended by the department in the discretion of the Secretary of the Interior for the benefit of these Indians, and I am in accord with the gentleman from South Dakota [Mr. BURKE] that when we pay this judgment we should pay it in accordance with the terms of the agreement, and whatever disposition is to be made in the future should be made as the result of legislation which will originate in the Committee on Indian Affairs and be prepared and prescribed with all of the information in their possession.

Mr. BURKE of South Dakota. Mr. Chairman, I want to say to the gentleman, if the gentleman from Illinois [Mr. CANNON] will permit, that this legislation that resulted in this judgment

and the payment of this fee was an amendment placed upon the Indian appropriation bill in another body. The gentleman knows how things go in conference. It became a part of the bill when it became a law. I want to say this, however, that at that time I was not a member of the Committee on Indian Affairs. Neither was I a Member of the House. It happened in the Sixtieth Congress. Therefore, there is no responsibility upon me individually for that legislation.

Mr. CANNON. That I quite understand, and I am only anxious from the standpoint that with these Indians, with an empire yet belonging to them, under the treaty and with this large judgment, in their condition, unless the whole matter is properly husbanded, then in the lifetime of the gentleman these Indians will have lost all of this judgment and all of this property, and will be subsisting by charity through appropriations made by Congress.

If I had full power at this time to write the proper guards to the appropriations upon this bill I would be glad to see it done now, but I trust that while the gentleman from South Dakota is still in Congress and the gentleman from New York [Mr. FITZGERALD] is still in Congress and at an early session this matter will be buttoned up so they will get the interest.

Mr. BURKE of South Dakota. Mr. Chairman, I think the gentleman can rest assured that when the appropriation is made it will be safeguarded, because I know the chairman of the committee feels as I do about it.

The Clerk read as follows:

For fuel, lights, and water for public buildings, $248.24.09.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 51, at the end of line 2, strike out the figures "09."

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

The Clerk resumed and concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I ask to return to page 43, to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 43, strike out lines 2, 3, 4, and 5, and in line 8 strike out the sum "$33,815.07" and insert in lieu thereof the sum of "$23,-815.07."

Mr. FITZGERALD. Mr. Chairman, at the last session of Congress the House authorized the Committee on Elections to certify expenses for these four gentlemen after the deficiency bill had passed the House, and at my request the Senate inserted them in that bill.

Mr. MANN. And now you propose to strike out something?

Mr. FITZGERALD. To strike out lines 2, 3, 4, and 5. They have been recertified this year.

Mr. MANN. Mr. Chairman, these items were in the bill last year and have been placed in this bill. Of course the Committee on Elections ought not to have certified them to the Committee on Appropriations, but I am not at all surprised mistakes are made. Last night the distinguished gentleman from New Jersey [Mr. HAMILL], in a discussion which related to an item in this bill, made a statement in reference to a question asked by me that the contestant Prioleau received several thousand votes; and on a further question, and some doubt expressed on my part, stated he knew he received more than 1,000 votes. The gentleman was a member of the committee that had heard the case. I find from the record which was before the committee that the contestant in this matter received 75 votes in the entire district, and hence I am not surprised when a Member comes in and defends an item in the bill, and states it has received full consideration, that he can not differentiate between knowing that the contestant received more than 1,000 and the record, which shows he received only 75 votes in the entire district, and therefore I am not surprised that they make another mistake.

Mr. FITZGERALD. Mr. Chairman, in justice to the gentleman from New Jersey, the gentleman did not certify these items.

Mr. MANN. Well, I do not say he did; I do not know who certified them. Gentlemen in discussing items of this sort ought to be pretty careful in making positive statements to the House. Fortunately the House last night did not take the gentleman too seriously upon the subject. The House has had long experience with this contestant. It had had his case before the House many times, and, I think, 75 votes in the district is the most the contestant had ever received notwithstanding the judgment of the gentleman from New Jersey that the contestant had received thousands of votes.

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

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to substitute the following paragraph for the one adopted by the committee last night, in lines 14 to 17, page 43. The amendment proposed by the gentleman from Missouri was not accurate, and this is to take its place.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 43, by inserting the following as a substitute for lines 14, 15, 16, and 17: "To continue the employment of 7 messengers, at $100 per month each, in the post office of the House of Representatives from April 1 to November 30, inclusive, 1910, $5,600."

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

Mr. FITZGERALD. Mr. Chairman, the bill is completed, and I wish to make this brief statement. This bill carries $24,235,740.17 as reported from the committee—$15,100,000 is for pensions, $900,000 for the postal service, and about $5,000,000 for the Army and Navy, or a total of $21,000,000 out of $24,000,000 to supply deficiencies for the current fiscal year.

There was no urgent deficiency bill at this session of Congress. For all of the services for which appropriations are made in bills reported from the Committee on Appropriations this bill carries less than $3,000,000 to supply deficiencies in those appropriations. It is the most conclusive refutation of the charge that is sometimes made, that at the last session of Congress the Committee on Appropriations deliberately appropriated insufficient funds for the maintenance of the service for this fiscal year, because of an approaching election, and with the intention of supplying large deficiencies at this session. It is the lowest amount required for deficiencies in these services in any year in my experience in the House.

Mr. RODDENBERY. Mr. Chairman, I want to inquire of the gentleman relative to the paragraph beginning with line 10, on page 13, or rather the two paragraphs, providing a deficiency appropriation for institutions adjudged to be under sectarian control.

Mr. FITZGERALD. Under the law the Board of Charities can not send children to any institution which is known as sectarian. As far as possible, they endeavor to send young children to institutions conducted under the auspices of the religious denomination of the parents of the child. The number of children which, at the contract rate, require this support have been sent to such institutions. They are taken into those institutions with the understanding that the limit is fixed and that Congress is under no obligation to make the appropriation to pay them for the services rendered. But it has been the custom of Congress for a number of years, since there is no other institution to which these children may be sent, to enlarge the amount. I think it is chiefly a Catholic orphan asylum to which the children are sent, supported largely by charity.

Mr. RODDENBERY. While they are small items, yet it appears to be just on or over the border line of the general policy of our Government toward contributing to sectarian institutions.

Mr. FITZGERALD. It is. The policy has always been to put the children in the institution of the same religious faith as their parents.

Mr. RODDENBERY. While I agree with the charitable and benevolent spirit involved, and while the amounts appropriated are small, yet it occurs to me that it is a very dangerous line of departure from a fundamental principle of our Government to engage in. The purpose is the very best.

Mr. FITZGERALD. The trouble is that the Government has no place of its own. The children have to be put some place, and these are the only institutions in which they can be placed.

Mr. RODDENBERY. The Government has institutions.

Mr. FITZGERALD. No; it has no institutions with the accommodations.

Mr. RODDENBERY. You mean to say there are no institutions which have the accommodations for this peculiar class of cases?

Mr. FITZGERALD. There are none for any of these.

Mr. RODDENBERY. The gentleman has already stated that Congress is under no obligations to make the appropriation, but that it is a custom of Congress to do so.

Mr. FITZGERALD. It is. There is no doubt about it at all. Mr. Chairman, I move that the committee do now rise——

Mr. STANLEY. Mr. Chairman, before the committee rises, I ask unanimous consent to address it for 10 minutes.

The CHAIRMAN. Is there objection?

Mr. HUMPHREYS of Mississippi. Reserving the right to object, I will ask the gentleman if he can not defer that until a little later on? There is a conference report here that is very necessary to get through. I will ask the gentleman from New York [Mr. FITZGERALD], after the gentleman from Kentucky [Mr. STANLEY] addresses the committee for 10 minutes, Then what?

Mr. FITZGERALD. Nothing; I am going to move to rise.

Mr. HUMPHREYS of Mississippi. We have been waiting here now three days trying to get this conference report through, with the understanding that just after this the report would come up. I shall, at the end of the 10 minutes, Mr. Chairman, if this unanimous consent is given, insist upon the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. STANLEY]?

There was no objection.

Mr. STANLEY. Mr. Chairman, I regret that I was not in the House this morning at the time of the discussion of the expenses incident to various special committees authorized by this House. I see from excerpts from various speeches made here that it has been charged that many hundreds of mail bags bearing the frank of a member of one of these committees have been sent out, and the statement made, as it is, without specifying the document or specifying the Member whose frank was used, carried with it a veiled intimation that some member of one of those committees, for the purposes of personal aggrandizement or personal exploitation, has made misuse of the mails and misuse of the expenditure intended for the public. If I am the gentleman referred to, I will say now that I do not know but that I might say thousands of sacks of mail in the last few years have gone out from this building bearing my frank.

When I was made chairman of the committee that investigated the affairs of the United States Steel Corporation, it is a fact, known to 80 per cent of the Members of this House, that I was flooded with requests for copies of those hearings. There is not a Member from Pennsylvania who did not make requests. My friend, Mr. BURKE, if I am not mistaken, and my good colleague, Mr. MOORE, and my colleague, Mr. OLMSTED, and others——

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STANLEY. Certainly.

Mr. MOORE of Pennsylvania. I think I responded to the call of the gentleman from Kentucky, who asked me for some of my copies.

Mr. STANLEY. Yes; and I appreciate it. I am speaking now only of the requests made of me during the investigation. Those requests were for from 10 to 200 copies, to be sent by the Members to their constituents. I replied to each one of those Members, without regard to his party, that I had a force of folders and addressers in my office and that I would be pleased to send those documents to the Member's office or to such persons as he would designate. That report authorized the publication of 10,000 copies of the hearings. Those hearings were sent out as they were published on requests. Ninety per cent of those hearings went to the persons requesting them. I have in my files now over 3,000 separate letters asking for copies of those hearings. Every one of those hearings was addressed and sent to the person requesting them under my frank. If that be treason, they may make the most of it. [Applause.]

It is charged by the gentleman from Wyoming [Mr. MONDELL] that these investigations were instituted upon the suggestion of people who had miserable personal grievances and had no desire to serve the public interest, and that the expenditure carried on and the time wasted constituted a disgrace to an American Congress. He says that some of those investigations started out with a flourish of trumpets and a beating of drums and blaring of bands and then suddenly had quieted down from the roaring of a current or a cyclone to a stillness like that of the voice of a clam, and so on.

If the gentleman means to impute to the chairman of this committee any personal grievance, he has failed to show any evidence of it. I did not personally know any man connected, directly or indirectly, with the United States Steel Corporation. The records of this committee show that with the exception of Mr. Perkins—no; not even with the exception of Mr. Perkins—that every one who was called before that committee thanked the chairman of that committee for courtesies extended to him while he was a witness before it. There is nothing in these hearings to show any desire to gratify a personal ambition or grievance. I have no grievance now against any of the financiers connected with that corporation.

Mr. BURKE of Pennsylvania. Mr. Chairman, will the gentleman yield for a moment?

Mr. STANLEY. Certainly.

Mr. BURKE of Pennsylvania. The gentleman saw fit to mention the fact that he had accorded to me a courtesy and that I asked to participate in the distribution of the mail. Of course the gentleman does not mean to insinuate that I made any criticism of his committee, because I did not.

Mr. STANLEY. No. I simply referred to the gentleman because I knew he was one of a great number of gentlemen who had requested copies of the hearings.

Mr. BURKE of Pennsylvania. I did participate in the discussion this morning and made a criticism of the special counsel of another committee.

Mr. STANLEY. It is charged that there is now in the room of a member of this committee a vast number of these hearings, to be sent out for his benefit. There is not in that room a single copy of the hearings of the committee. They have all been exhausted in pursuance of requests. There are several thousand copies of the report. Each Member of this House was allowed 35 copies of that report. A great many of the Members, having no calls for the reports, they have, at my request, turned them over now for distribution. That is done in the case of every eulogy that is printed in this House.

But to return. If the gentlemen mean to claim that this investigation started with any animus or any mean personal motive of revenge or a desire to produce embarrassment, they are entirely mistaken.

That investigation was conducted with the precision of an indictment. The charges were made that certain violations demanded the attention of Congress. In the resolution it was specifically stated wherein and how the United States Steel Corporation was operating in violation of the law, and before that orderly investigation had concluded its work a petition was filed, not by my party but by the party of the gentleman from Ohio and the gentleman from Wyoming, repeating and reiterating the identical charges made in my resolution asking for an investigation of the United States Steel Corporation. Was the Attorney General moved by motives mean and despicable, or by a desire for self-exploitation? In that petition, asking for a dissolution of the United States Steel Corporation, page after page of the hearings were copied bodily. Does the gentleman mean to charge that the ex-Secretary of War, that great and profound jurist, Mr. Dickinson, was moved by mean and despicable motives of self-glorification, self-aggrandizement, or revenge when he filed that petition?

I have here a letter from Mr. Dickinson himself, the ex-Secretary of War, at present the leading counsel of the Government in the case of the United States against The United States Steel Corporation. I have Mr. Dickinson's consent to make public this letter:

DEPARTMENT OF JUSTICE (WASHINGTON),
Nashville, Tenn., September 4, 1912.

Hon. A. O. STANLEY,
Henderson, Ky.

DEAR MR. STANLEY: I received your report and the minority reports on the Steel Trust when I was in the Tennessee mountains, and it has not been convenient for me to write before this. I congratulate you most heartily and sincerely upon the very able and patriotic work that you have performed. Probably no one is in better position than I am to judge of the ability, energy, and courage which have been brought by you to this stupendous task. The country owes you a debt of gratitude which I believe but few fully appreciate. * * *

With best wishes, I am,
Yours, very truly, J. M. DICKINSON.

Why this outcry, this pained, frantic protest against the distribution of a report, every page of which is replete, not with abuse or traduction but with the cold facts of an indisputable proof that the laws of my country are violated by a $2,000,000,000 corporation? [Applause.] There are those who love darkness rather than light. There always were and there always will be. All this report contains is a flood of light upon the deeds of wealthy malefactors. I am not surprised that those who are guilty, that those who are facing sentences of imprisonment, that those who are facing the dissolution of their business, that those who are about to have wrung from their powerful hands the right to exploit the American people should protest, but I am amazed that Members of this House should rise and condemn the action of the chairman of this committee, the action of this House, in taking the American people into their confidence and making public the record of the deeds of the United States Steel Corporation. [Applause.]

Mr. MANN. Mr. Chairman, I move any pro forma amendment that may be necessary.

I made the remark in the House a while ago that a Member of the House has sent out carloads of hearings. I did not name the gentleman from Kentucky. Since he himself has brought the matter to the attention of the House, I desire to make a little statement.

My office is not in the House Office Building, but I am occasionally over there. One day some time ago, during this session of Congress, I was passing through one of the corridors of the House Office Building, and noticed piles of mail sacks in the corridor, and had curiosity to ascertain where they came from. I did not know where the room was that the gentleman from Kentucky has charge of over there—that the documents were

in. I noticed that all of the mail sacks that I looked at were addressed to Kentucky, and naturally assumed that some Member, interested in his constituents, was mailing out public documents of some sort. I stepped into a room there and asked in regard to the matter, and ascertained that they were stated to be copies of the Stanley report. I made a request of a gentleman to count the sacks of mail there, all of them large mail sacks, and was informed, I think, that there were 120 or 130 of them in the hall at that time. I was further informed that there had been more than 100 sacks sent out before, all addressed to the State of Kentucky. Now, I do not say that the gentleman sent these surplus documents to the State of Kentucky. I do not know how many went to the State of Kentucky. It somewhat excited my curiosity, because I had not supposed that there was that large number of steel mills in the State of Kentucky, which would excite unusual curiosity on the part of the people of that State concerning the technical investigation of the Steel Trust, but I am quite content with anything that the gentleman from Kentucky has done in reference to the diffusion of information. My sympathy is with the people to whom he sent the documents. [Laughter.]

Mr. STANLEY. Mr. Chairman, this talk here is about the hearings. As I explained to the gentleman in the beginning of my address, there were several thousand extra copies of the report, not of the hearings, but of the report, a little pamphlet of a couple of hundred pages. Thirty-five copies of that report were given to each Member of this House, just as copies of eulogies are given. I wrote the Members of this House telling them that in the event they had no calls in their district for it, and some of them have no steel interests in their districts, they could transfer the reports to me. Those reports were reports distributed to Members of this House, and by the Members of the House transferred to the chairman of the committee. Is there a Member of the House who has not received eulogies from other Members and distributed them in this way? I ask the gentleman from Illinois if he has not distributed documents presented to him by his colleagues in the same way, and I ask him if he means it to be inferred that there is anything illegal or not ethical in the act?

Mr. MANN. Mr. Chairman, I am not inferring anything; I am stating facts. All the reports that were printed could be put in less than 10 mail sacks. I am referring to the sending out of great volumes of hearings to people who did not want them, making, as it seems to me, not only a useless expenditure of money in printing, but worse than a useless expenditure of money in sending them through the mails at the high rates to people in Kentucky and elsewhere.

Mr. STANLEY. Mr. Chairman, I will say that I have already explained the manner in which the hearings were distributed.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose, and, the Speaker having resumed the chair, Mr. ADAIR, 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. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, and had directed him to report the same back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The Chair hears none.

The amendments were agreed to.

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

Mr. RODDENBERY. Mr. Speaker, I make the following motion to recommit.

The SPEAKER. Is the gentleman from Georgia opposed to the bill?

Mr. RODDENBERY. I am not.

The SPEAKER. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

Mr. RODDENBERY moves to recommit the bill H. R. 28858 to the Committee on Appropriations to report back forthwith the bill amended as follows:

Strike out all of lines 10 to 17, both inclusive, on page 13, as follows:

"Authority is hereby granted to pay, in addition to the sum of $1,500 heretofore authorized, a further sum not to exceed $6,000 to institutions adjudged to be under sectarian control, fiscal year 1913.

"Authority is hereby granted to pay, in addition to the sum of $5,500 heretofore authorized, a further sum not to exceed $1,035.61 to institutions adjudged to be under sectarian control, fiscal year 1912."

Mr. FITZGERALD. On that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were 1 aye and 121 noes.

Mr. RODDENBERY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and seventy-eight Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. All those in favor of the motion to recommit will answer "aye," and those opposed will answer "no."

The question was taken; and there were—yeas 4, nays 288, answered "present" 8, not voting 81, as follows:

YEAS—4.

Roddenbery	Stephens, Miss.	Tribble	Witherspoon

NAYS—288.

Adair	Doughton	James	Prouty
Adamson	Draper	Johnson, Ky.	Rainey
Aiken, S. C.	Driscoll, D. A.	Kahn	Raker
Ainey	Dupré	Kendall	Randell, Tex.
Akin, N. Y.	Dwight	Kennedy	Ransdell, La.
Alexander	Dyer	Kent	Redfield
Allen	Edwards	Kinkaid, Nebr.	Rees
Anderson	Esch	Kinkead, N. J.	Reilly
Anthony	Evans	Kitchin	Roberts, Mass.
Ashbrook	Faison	Knowland	Roberts, Nev.
Austin	Farr	Konig	Rodenberg
Ayres	Fergusson	Konop	Rothermel
Barchfeld	Fields	Kopp	Rouse
Barnhart	Finley	Lafferty	Rubey
Bartholdt	Fitzgerald	La Follette	Rucker, Colo.
Bartlett	Flood, Va.	Lamb	Rucker, Mo.
Bates	Floyd, Ark.	Langham	Russell
Bathrick	Focht	Langley	Sabath
Beall, Tex.	Fordney	Lawrence	Saunders
Berger	Fornes	Lee, Ga.	Scott
Blackmon	Foss	Lee, Pa.	Scully
Boehne	Foster	Lenroot	Shackleford
Booher	Fowler	Lever	Sharp
Borland	French	Lewis	Sherley
Brantley	Fuller	Lindbergh	Sherwood
Browning	Gallagher	Linthicum	Simmons
Buchanan	Gardner, Mass.	Littlepage	Sims
Bulkley	Gardner, N. J.	Lloyd	Sisson
Burgess	Garner	Lobeck	Slemp
Burke, Pa.	Garrett	Loud	Sloan
Burke, S. Dak.	Glass	McCall	Small
Burke, Wis.	Goeke	McCoy	Smith, S. W.
Burleson	Good	McCreary	Smith, N. Y.
Burnett	Gould	McGillicuddy	Smith, Tex.
Butler	Graham	McKellar	Sparkman
Byrnes, S. C.	Gray	McKenzie	Speer
Byrns, Tenn.	Green, Iowa	McKinley	Stanley
Calder	Greene, Mass.	McLaughlin	Stedman
Callaway	Greene, Vt.	Macon	Steenerson
Campbell	Gregg, Tex.	Madden	Stephens, Cal.
Cannon	Griest	Maguire, Nebr.	Stephens, Nebr.
Cantrill	Gudger	Mann	Stephens, Tex.
Carlin	Guernsey	Martin, Colo.	Stevens, Minn.
Carter	Hamill	Martin, S. Dak.	Stone
Cary	Hamilton, Mich.	Matthews	Sulloway
Clark, Fla.	Hamlin	Miller	Switzer
Claypool	Hammond	Moon, Tenn.	Taggart
Clayton	Hardwick	Moore, Pa.	Talcott, N. Y.
Cline	Hardy	Morgan, La.	Taylor, Ala.
Collier	Harrison, Miss.	Morrison	Taylor, Ark.
Cooper	Hart	Moss, Ind.	Thomas
Copley	Haugen	Mott	Tilson
Covington	Hay	Murdock	Townsend
Cox	Hayden	Murray	Turnbull
Crago	Hayes	Neeley	Tuttle
Crumpacker	Heald	Nelson	Underhill
Cullop	Helgesen	Norris	Underwood
Curley	Helm	Nye	Vare
Currier	Henry, Conn.	Oldfield	Volstead
Dalzell	Henry, Tex.	Olmsted	Warburton
Davidson	Higgins	O'Shaunessy	Watkins
Davis, Minn.	Hill	Padgett	Weeks
Davis, W. Va.	Hinds	Page	Whitacre
De Forest	Hobson	Palmer	White
Dent	Holland	Patton, Pa.	Wilder
Denver	Houston	Payne	Willis
Dickinson	Howell	Pepper	Wilson, Ill.
Dies	Howland	Peters	Wilson, Pa.
Dixon, Ind.	Humphrey, Wash.	Plumley	Woods, Iowa
Dodds	Humphreys, Miss.	Post	Young, Kans.
Donohoe	Jackson	Powers	Young, Mich.
Doremus	Jacoway	Pray	Young, Tex.

ANSWERED "PRESENT"—8.

Andrus	Heflin	Needham	Riordan
Francis	McMorran	Porter	Talbott, Md.

NOT VOTING—81.

Ames	Curry	Fairchild	Hamilton, W. Va.
Ansberry	Danforth	Ferris	Harris
Bell, Ga.	Daugherty	George	Harrison, N. Y.
Bradley	Davenport	Gill	Hartman
Broussard	Dickson, Miss.	Gillett	Hawley
Brown	Difenderfer	Godwin, N. C.	Hensley
Candler	Driscoll, M. E.	Goldfogle	Howard
Conry	Ellerbe	Goodwin, Ark.	Hughes, Ga.
Cravens	Estopinal	Gregg, Pa.	Hughes, W. Va.

Hull	McKinney	Pou	Taylor, Colo.
Johnson, S. C.	Maher	Prince	Taylor, Ohio
Jones	Mays	Pujo	Thayer
Kindred	Merritt	Rauch	Thistlewood
Korbly	Mondell	Reyburn	Towner
Lafean	Moon, Pa.	Richardson	Vreeland
Levy	Moore, Tex.	Sells	Webb
Lindsay	Morgan, Okla.	Slayden	Wilson, N. Y.
Littleton	Morse, Wis.	Smith, J. M. C.	Wood, N. J.
Longworth	Parran	Stack	
McDermott	Patten, N. Y.	Sterling	
McGuire, Okla.	Pickett	Sweet	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. JONES with Mr. WOOD of New Jersey.

Mr. ESTOPINAL with Mr. MERRITT.

Mr. MCDERMOTT with Mr. HAWLEY.

Mr. CONRY with Mr. DANFORTH.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. HUGHES of Georgia with Mr. MICHAEL E. DRISCOLL.

Mr. RICHARDSON with Mr. THISTLEWOOD (either to be released when the other would vote the same way).

Mr. HULL with Mr. NEEDHAM.

Mr. PUJO with Mr. MCMORRAN.

Mr. CANDLER with Mr. MCKINNEY.

Mr. FRANCIS with Mr. PORTER.

Mr. BELL of Georgia with Mr. AMES.

Mr. BROUSSARD with Mr. BRADLEY.

Mr. BROWN with Mr. CURRY.

Mr. DAVENPORT with Mr. HARRIS.

Mr. FERRIS with Mr. HUGHES of West Virginia.

Mr. GOODWIN of Arkansas with Mr. LONGWORTH.

Mr. GREGG of Pennsylvania with Mr. MCGUIRE of Oklahoma.

Mr. HOWARD with Mr. MONDELL.

Mr. HENSLEY with Mr. PICKETT.

Mr. KORBLY with Mr. PRINCE.

Mr. MAHER with Mr. REYBURN.

Mr. GOLDFOGLE with Mr. SELLS.

Mr. PATTEN of New York with Mr. J. M. C. SMITH.

Mr. POU with Mr. STERLING.

Mr. RAUCH with Mr. TAYLOR of Ohio.

Mr. TAYLOR of Colorado with Mr. TOWNER.

Mr. WEBB with Mr. VREELAND.

Mr. DIFENDERFER with Mr. HARTMAN.

Mr. GODWIN of North Carolina with Mr. LAFEAN.

From February 27 to Monday, March 3:

Mr. MOON of Pennsylvania with Mr. SLAYDEN.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

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

RIVER AND HARBOR BILL.

Mr. SPARKMAN. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill H. R. 28180, the river and harbor bill, disagree to the Senate amendments, and ask for a conference.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RODDENBERY. To make a point of order against the motion of the gentleman from Florida.

The SPEAKER. The gentleman will state his point of order.

Mr. RODDENBERY. The point of order is that on February 25 Mr. SPARKMAN addressed the Speaker and asked unanimous consent to take from the Speaker's table the bill H. R. 28180, to disagree to the Senate amendments, and to ask for a conference. Mr. MANN objected, and the Speaker announced that the gentleman from Illinois objects. Under Rule XXIV, paragraph 2, the bill sought to be called up by unanimous consent having been objected to went under the rule to the committee, and the motion made by the gentleman from Florida at this time is not in form, and therefore not in order.

Mr. MANN. Mr. Speaker, I do not know what the RECORD may show, but when the gentleman from Florida asked unanimous consent I stated I should have to object to that, and he did not ask that the bill be taken from the Speaker's table.

The SPEAKER. The bill was not referred, and it is on the Speaker's table, answering the point of order of the gentleman from Georgia. The gentleman from Florida moves to take from the Speaker's table the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The SPEAKER. And the gentleman moves to suspend the rules to disagree to the Senate amendments and ask for a conference. Is a second demanded?

Mr. MANN. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Florida has 20 minutes and the gentleman from Illinois 20 minutes.

Mr. SPARKMAN. Mr. Speaker, I have adopted the course of asking to suspend the rules because it seems to be the shortest way of getting this bill into conference, something that is very necessary, at the very earliest possible moment, if we are to get this bill through at this session of Congress. There are 133 Senate amendments, many of which are unobjectionable, while some are very objectionable from my standpoint, and, I think, from the standpoint of this House. When the bill goes to conference, of course, we will deal with all those items, and we hope to eliminate the objectionable ones before we return to the House with a report.

Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I realize that at this time in the session, if a river and harbor bill is to be enacted at all, it will need to be sent to conference at an early hour. There are a number of Senate amendments to this bill which I think the House ought to have an opportunity to vote upon before they are agreed to. There is amendment No. 11, carrying what is called the Connecticut River Dam; amendment No. 64, carrying a provision for the erection of a dam by the Municipal Electric Light Co., of Minnesota; amendment No. 77, providing a report relating to the contract system; amendment No. 78, providing for the appointment of a river regulation commission; amendment No. 126, providing for the renting of Government dredges to private parties; amendment No. 133, authorizing the Secretary of Commerce and Labor to define and establish anchorage grounds throughout the United States. These amendments are of great importance. The first one, No. 11, intending to establish practically the policy of the United States or of Congress in regard to the construction of dams for power purposes by themselves, in the main, has no relation to a river and harbor bill. They are not river and harbor items. May I ask my distinguished friend from Florida if he is willing to say to the House that these amendments will not be agreed to by the House conferees in conference without the House hereafter having an opportunity to express its opinion upon each of them?

Mr. SPARKMAN. I can say in answer to that, most emphatically, yes. Personally I am opposed to each one of the items to which the gentleman has referred being in this bill, whatever their individual merits may be, and I certainly should not agree to any of those amendments without referring them back to the House and taking the sense and the instructions of the House upon them.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that the House is in such disorder that we can not hear the gentleman.

The SPEAKER. The House will be in order.

Mr. SPARKMAN. I say in reference to the question propounded by the gentleman from Illinois as to whether the House would have an opportunity to vote upon the items to which he refers before a final agreement is reached by the conference committee unless they are eliminated in conference. Whatever their individual merits, I do not believe they should appear in this bill.

Mr. MANN. With that statement, so far as I am concerned, I am quite content, and if anyone else desires time in opposition to the motion I am perfectly willing to yield it.

Mr. GALLAGHER. Mr. Speaker, I would like to ask the gentleman from Illinois a question. I want to ask him if he will not include amendment 57 in that request? If he does not, I wish to try to include it.

Mr. MANN. The gentleman can make the request himself. I have not read amendment No. 57.

Mr. GALLAGHER. I ask that amendment No. 57 be included in that request.

Mr. SPARKMAN. I can make the same answer in reference to that item. Of course, I understand that while some Members here may favor the item, there are others who object to it, and though I might favor it I should not in view of the known hostility to record it here concur without resubmit-

ting the question to this House and obtaining the instructions of the House in the premises.

Mr. MOORE of Pennsylvania. Will the gentleman kindly tell us what he is talking about now? Is he talking about Senate amendment No. 57?

Mr. SPARKMAN: Yes; relating to the Grand Calumet River.

Mr. GALLAGHER. I would like to know if I can not get three or four minutes' time of the gentleman from Illinois [Mr. MANN]?

Mr. MANN. I yield four minutes to the gentleman.

The SPEAKER. The gentleman from Illinois [Mr. GALLAGHER] is recognized for four minutes.

Mr. GALLAGHER. The amendment I wish to call to the attention of the House, Mr. Speaker, is No. 57, and the reason I do this is because the Senate last summer passed a bill—in fact, the very same bill—that is included in the river and harbor bill now. Under amendment No. 57 it came to the Rivers and Harbors Committee, and we asked that it be laid over for the purpose of looking into the matter. The steel company never came before the committee, and there never has been any action by the committee since that time. The reason I want to call the attention of the House to this amendment is because it provides for the taking over of the Calumet River, an important navigable river of the United States, after they have filled it in for several miles and have given us instead a ditch. Now, what I desire is that we make certain provisions so far as this ditch is concerned, if you are going to pass this law, so that it can be made a navigable part of this river. There has been no consideration of this project, so far as the Government is concerned.

Mr. MADDEN. Will my colleague yield?

Mr. GALLAGHER. Yes.

Mr. MADDEN. I understand the United States Steel Corporation at Gary have already built a number of coke ovens on what was originally the bed of the river.

Mr. GALLAGHER. The river at this point on the original map, showing the meander lines, was a thousand feet wide. The river bed has been filled in for several miles. A ditch remains on one side in place of the former river channel.

Mr. MADDEN. And buildings erected——

Mr. GALLAGHER. And buildings and coke ovens and other factory buildings have been placed where the river originally was.

Mr. MADDEN. And there was no provision by any legislative authority for the construction of the buildings?

Mr. GALLAGHER. The steel company never recognized the rights of the Government. I want the House to consider this question before the amendment is included in any bill of this kind and before we are forced to swallow it because the Senate has tacked it on.

Mr. MADDEN. Mr. Speaker, will my colleague [Mr. MANN] yield to me for a minute or two?

Mr. MANN. I yield three minutes to the gentleman.

Mr. MADDEN. Mr. Speaker, I think the Committee on Rivers and Harbors ought not to agree to amendment 57 in this bill. The United States Steel Corporation at the city of Gary, Ind., have presumed to take absolute control over the Grand Calumet River at that point, and have filled it in, constructing buildings upon it, and then, in place of the river itself, have dug a ditch which they propose to turn over to the public in place of the river. There is nobody here who knows whether the quantity of land taken by the steel company is proposed to be given back to the people or not, and surely legislation of this kind ought not to be enacted without some consideration by some committee of this House. They have had plenty of opportunity to appear before the Committee on Rivers and Harbors, plenty of chance to have consideration given to this important subject. I believe that such consideration ought to be given to the subject before legislation is enacted upon it. I think it is a piece of presumption on the part of the steel company to take the land of the public and put their buildings on it. This was a navigable stream. They have filled it up, and nobody knows now whether, if this law is enacted, the ditch which they have dug, which is an artificial stream, can be used for navigation in the future.

I sincerely hope that if the Committee on Rivers and Harbors of the House or the conferees are not able to have this item stricken out, they will bring the bill back to the House, so that the House may have an opportunity to strike it out.

Mr. CRUMPACKER rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. CRUMPACKER. I desire about three minutes' time on this question.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman.

The SPEAKER. The gentleman from Indiana [Mr. CRUMPACKER] is recognized for three minutes.

Mr. CRUMPACKER. Mr. Speaker, the question under discussion is simply the change of the bed of the Grand Calumet River for about 2 miles, to avoid a crook, which, if the Government ever undertakes to improve the river, would have to be cut off. The Grand Calumet River at that point is not navigable, and, as a matter of fact, never has been navigable. It is in a basin, a swampy basin, most insanitary. The United States Steel Corporation, or the Indiana Steel Co., in constructing its works, filled up the marshy bottom and the old stagnant bed of the river and cut a channel 150 feet wide straight across from one bend to the other, and the local engineer at Chicago, after investigating the situation, recommends the enactment of this bill. It is also the recommendation of the War Department.

The bill was introduced in the Senate in 1911 by Senator SHIVELY, of Indiana, and in the Committee on Commerce Senator BURTON, whom all the Members of this House know, investigated the subject and made a report recommending the enactment of this legislation. He said it would save the Government between $95,000 and $100,000 in the way of cost for excavation which the company had already done.

The bill was prepared in the Engineers' Office in the War Department, and it passed the Senate in June, 1911, and was sent to the Committee on Rivers and Harbors of the House, and in the early months of 1912 I went personally with Mr. Gilbert, of Chicago, before the Committee on Rivers and Harbors and laid the matter before that committee, and demonstrated to its members that the Government was receiving benefits to the amount of about $95,000 and was yielding substantially nothing, and urged its report. The committee never took any action on it.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Does the gentleman want any more time?

Mr. CRUMPACKER. Let me have two minutes more.

Mr. MANN. I yield two minutes to the gentleman.

The SPEAKER. The gentleman from Indiana is recognized for two minutes.

Mr. CRUMPACKER. This, Mr. Speaker, is an important local matter, and the only possible objection to it is that the Indiana Steel Co. may desire it. In my judgment, if it were requested on the part of any other company or individual, no man could investigate the facts without reaching the conclusion that the Government should ratify the change.

The report of the engineers stated that this cut would have to be made in any event if the river were ever improved for navigation. The talk about it being a ditch is hardly fair. It is 150 feet wide.

Mr. MADDEN. How wide is the bed or channel of the river?

Mr. CRUMPACKER. Before the filling was made it was a tortuous channel running up to a bayou and back.

Mr. MADDEN. It was about 1,000 feet wide, was it not?

Mr. CRUMPACKER. Oh, not by any means. It was only about 50 feet wide. It was navigated only by small boats for muskrat and duck hunters. There has not been a pound of commerce on that stream, and the engineer of the War Department, who investigated it, said that if it is ever improved this cut must be made. If the Government refuses to accept this cut, when the time comes for its improvement, the Government must make the cut itself. The Indiana Steel Co. has already made the cut, and simply asks that whatever has been done shall be legalized. When the company filled the swampy basin and old tortuous channel it had no idea that the so-called river was regarded as navigable. It is safe to say that 40 public bridges have been built over the river without authority of law and with no thought it was a navigable stream. I received a letter only yesterday stating that a public bridge was being constructed over the river—never thinking it was navigable—and he requested me to secure the necessary authorization from Congress before next Tuesday.

The SPEAKER. The time of the gentleman has expired. The question is on the motion to suspend the rules. Shall the rules be suspended, these amendments disagreed to, and a conference asked for?

The question was taken; and (two-thirds voting in the affirmative) the rules were suspended and the motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. SPARKMAN, Mr. RANSDELL of Louisiana, and Mr. LAWRENCE.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the Indian appropriation bill, now on the Speaker's table, and to move to suspend the rules, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 26874) making appropriations for 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 SPEAKER. The gentleman moves to suspend the rules, disagree to the Senate amendments, and ask for a conference. Is a second demanded?

Mr. MANN. I demand a second.

Mr. STEPHENS of Texas. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. STEPHENS of Texas. Mr. Speaker, this bill has been amended in the Senate, and I find 127 amendments placed upon it by that body, embracing claims of every kind and character, and in all instances of changes of amounts I find increases of the amounts allowed by the House.

The full amount of gratuity appropriations passed by the House was $6,302,000. The Senate has increased this amount to $8,801,000.

Glancing through all the other items I find $5,278,593 added in the Senate, carried in these 127 amendments. I have not yet had time to digest all of these amendments, but as far as I have gone with them I am satisfied that the House has allowed all that was necessary in this bill, and I think this $5,000,000 and over added in the Senate is unjustified and should not have been added. I therefore hope that this House will disagree to all of the Senate amendments and that the bill be sent to conference at once.

Mr. RODDENBERY. Will the gentleman yield for a moment?

Mr. STEPHENS of Texas. Certainly.

Mr. RODDENBERY. How much was your bill below the estimate as it passed the House?

Mr. STEPHENS of Texas. Nearly $2,000,000.

Mr. RODDENBERY. What was the amount of the bill as it passed the House, in comparison with the amount carried in the bill for the current year?

Mr. STEPHENS of Texas. It was a few hundred thousand dollars less.

Mr. RODDENBERY. And as it comes back from the Senate, how much is it increased?

Mr. STEPHENS of Texas. It is increased $5,278,000.

Mr. RODDENBERY. And in these increases you wish to nonconcur?

Mr. STEPHENS of Texas. To nonconcur, and send the whole matter to conference.

Mr. RODDENBERY. Is the gentleman of the opinion that we could have separate votes on these different items?

Mr. STEPHENS of Texas. I will state to the gentleman that a great many of these Senate items probably can be agreed upon by the conferees. Some of them may be necessary. Evidence may have come to the Senate committee that was not possessed by our committee. Of course we will take these matters into consideration and do what we think is best and right and just to the Indians and to all parties concerned. We want to go into conference unhampered, so as to make the best bill that we possibly can.

Mr. MANN. Mr. Speaker, as one examines this Indian appropriation bill, with the Senate amendments, one would think that the House bill was like the skeleton of a fat man, with the Senate amendments adding all the flesh and sinew. Most of the bill now consists of Senate amendments. The gentleman from Texas [Mr. STEPHENS] says he has not had time to digest the Senate amendments. No one has had time to digest them, and no one will have time between now and the end of this session. So far as that is concerned, I do not know that there is anything to be done except to send the bill to conference.

When this bill was under consideration in the House I made a point of order against an item providing an appropriation, as a gift, of $300,000 for the public schools in Oklahoma. The Chair sustained the point of order. Through the inadvertence of the clerks at the desk, when the copy of the bill was sent to the engrossing room it was not shown that that item was stricken out on a point of order. That might easily happen, and did happen. The bill went to the Senate. It was subsequently discovered that this item was in the engrossed copy of the bill sent to the Senate, and the gentleman from Texas [Mr. STEPHENS], chairman of the Committee on Indian Affairs, offered in the House a concurrent resolution with a view to having that corrected in some way. It frequently happens between the two bodies that one House or the other makes some mistake or error in connection with a bill during its passage or engrossment, and it is the usual practice to request its correction, either by a return of the bill or by concurrent action of the two bodies.

I never have known an instance before in the history of Congress when either the House or the Senate declined to permit the other body, where an error had been committed, to have it corrected. But in this case, with what seems to me to be gross discourtesy on the part of the Senate, no action has been taken by that body on the resolution which was sent by the House to the Senate for the purpose of making a correction in the copy of a bill which had been passed by the House and erroneously engrossed and sent improperly, so far as its contents were concerned, to the Senate.

In my judgment, what the House ought to do is to return this bill to the Senate and insist that the Senate take action upon the resolution which the House sent to the Senate. It is true that the Senate has, by amendment, stricken out that language and then reinserted it. But the striking out of the language was dependent upon a vote of the Senators and in no way preserved the integrity of the proceedings between the two bodies. If they make an error in a bill which they send to us and ask to have it corrected, it goes as a matter of course that it is corrected.

I remember on one occasion when the House was exceedingly anxious to agree to a proposition in a bill sent to us from the Senate, the Senate asked its return, and there was no objection made to the return, because Members of the House considered that that would be a violation of the necessary courtesies between the two bodies constituting the Congress. It has remained for the Senate to refuse to permit the correction of an engrossed copy of a House bill where everyone admits that a plain error was made, and the Senate ought not to throw that in the face of the House.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Does not the gentleman believe that the striking out of the matter by the Senate and putting it in as an amendment would put the matter into conference, so that the conferees would have jurisdiction to make such changes as they deem proper, and would it not be proper to have a vote in the House before any disposition of this item is made?

Mr. MANN. It would not, when matter was included in the bill which did not pass the House. The conferees have nothing to do with it.

Mr. STEPHENS of Texas. The gentleman from Illinois is aware of the fact that he took advantage of the parliamentary situation and cut out the provision he mentions and that had been carried in the bill for years.

Mr. MANN. I am not aware of the fact; it had not been carried in the bill for years. The gentleman from Texas is defending the action of the Senate. Perhaps it was done on his advice.

Mr. STEPHENS of Texas. It was not done on my advice, and the gentleman knows that it was not when he attributes it to me. I offered the resolution to correct it.

Mr. MANN. I know the gentleman did, but he is now defending the action of the Senate.

Mr. STEPHENS of Texas. Not at all. The gentleman from Illinois knows that he took advantage of the parliamentary situation to have it stricken out of the House bill on the floor on a point of order, so that the House could not pass upon it.

Mr. MANN. The Senate has a right to add an amendment. Nobody complains about that; but the Senate has no right to insist on retaining control of a bill sent by the House that does not represent the bill passed by the House.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. As I understand it, the language on page 42, which was stricken out of the bill, went out of the bill in the House on a point of order.

Mr. MANN. The Chair sustained the point of order, but it did not go out of the bill.

Mr. BURKE of South Dakota. And the chairman of the committee undertook by resolution to correct it. Does not the fact that the Senate did strike it out by amendment SS substantially comply with the requirements of the resolution?

Mr. MANN. Plainly it does not.

Mr. BURKE of South Dakota. It went out when they struck it out.

Mr. MANN. It is not out of the bill; it is still in the bill. The Senate has an amendment to strike it out, which you propose to send to conference.

Mr. BURKE of South Dakota. They put in the same item again.

Mr. MANN. That makes no difference. Suppose they had not stricken it out, what then would happen? Suppose the Senate, instead of striking out the item and reinserting the same thing, had refused to strike it out? The House has never passed on that item and it has no place in the bill. The House has asked the Senate and the Senate has refused to permit the House to correct the engrossed bill. The Senate has no right in morals or decency to take the position it has.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RODDENBERY. Does the gentleman think, in view of the way that $300,000 appears in the bill, that the House should express itself by simple nonconcurrence, or does not the gentleman think before it goes to conference, it being in the bill, that the House should have the right to vote specifically upon it and express its will?

Mr. MANN. No; I think the House ought to return the bill to the Senate without action, with a resolution calling the attention of the Senate to the fact that the bill sent by the House to the Senate was not properly engrossed, did not represent what passed the House, and insist upon having the bill corrected, and not leave it to the will of Senators or conferees as to whether we preserve the integrity of the proceedings which do take place in the House.

Mr. RODDENBERY. If that could be done, would it not then be well and also within the province of the House to take a vote on this proposition before it goes to conference?

Mr. MANN. Oh, I think if the House accepts a return of the papers which it has asked to have corrected without correction, this item is just like any other amendment in the bill.

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

Mr. MANN. Certainly.

Mr. OLMSTED. It seems to me in looking over the bill that in amendment No. 88 the Senate practically complied with the request of the House by striking it out entirely.

Mr. MANN. But suppose the Senate had not stricken it out?

Mr. OLMSTED. But they did.

Mr. MANN. That does not make any difference, so far as their amendment is concerned. They struck it out, but suppose they had not struck it out. We have a right to have correct copies of our bills sent to the Senate, and if we make an error in sending them, we have a right to demand that that error be corrected before the Senate acts on the bill. There is no other way of preserving the integrity of the proceedings.

Mr. OLMSTED. They have struck it out, and reinserted it as a new amendment, amendment No. 90.

Mr. MANN. I believe they should have been more courteous and have returned the bill, but the effect is the same.

Mr. KENDALL. Mr. Chairman, the clear intent of the Senate in amendment No. 88 was to comply with the resolution which had been adopted by the House and messaged to the Senate, because that amendment with reference to the schools for Oklahoma, as the House requested, has been stricken out. At a subsequent time the Senate reinserted the same matter verbatim as amendment No. 90. If it struck out the Oklahoma school proposition as contemplated by the resolution adopted by the House, in response to that resolution, and not as original action on the part of the Senate and had not reincorporated it, there would be nothing to go to conference on that question.

Mr. MANN. Then if the Senate should pass a bill and send it to us, and some Senator should ask to have it reconsidered and brought back to the Senate so that he could make a change in it, I suppose the gentleman thinks that if we made the change over here that would comply with the request.

Mr. KENDALL. I do not think that follows at all.

Mr. MANN. I do not, either; but they are both alike.

Mr. KENDALL. But in this case the House adopted a resolution informing the Senate that an error had occurred in the engrossing clerk's office by including this item in the bill. The Senate, in response to that resolution, struck the item out, and, then, at a subsequent time, after what we are charitable enough to say more mature deliberation, they reinserted the item as a Senate amendment. I think it legitimately belongs to conference.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield the balance of my time to the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to ask the gentleman from Iowa a question. If the Senate conferees were willing to recede on amendment No. 88, and did recede, what then would happen?

Mr. KENDALL. The gentleman is assuming that this is an amendment made independently by the Senate.

Mr. BURKE of South Dakota. But here is the amendment—amendment No. 88. It is the Senate amendment. Suppose the Senate recedes?

Mr. KENDALL. I think there is no logical interpretation of this action of the Senate except to say that that provision was stricken from the House bill in response to the resolution and to preserve the comity between the Houses.

Mr. BURKE of South Dakota. I think the gentleman is probably correct in that.

Mr. MANN. That is not what the resolution was.

Mr. KENDALL. It was on account of the resolution, but perhaps not in response to it.

Mr. BURKE of South Dakota. Mr. Speaker, as has been stated, this bill has been, as is usually the case with the Indian appropriation bill after it leaves this body, loaded up with all kinds of amendments, increases in appropriations, and new appropriations not authorized by law.

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

Mr. BURKE of South Dakota. Yes.

Mr. KENDALL. Mr. Speaker, I direct the attention of the gentleman to the fact that this amendment is one that was authorized by the Committee on Indian Affairs, of which the gentleman himself is a member.

Mr. BURKE of South Dakota. Mr. Speaker, I am not discussing the amendment to which the gentleman refers. I am speaking generally to call attention to what happens to the Indian appropriation bill in every session of Congress after it leaves this House. The bill has been increased, I understand, by $5,000,000, in round numbers, an amount almost equal to what the bill carried when it left the House.

From my previous experiences on conferences on the Indian appropriation bill I have no doubt when the conferees finally submit a report that the increases that are now in the bill will be very materially eliminated and decreased and that we will have a reasonable Indian appropriation bill. This bill, I have to state, carries a number of items of general legislation, and, among others, one that refers to the White Earth Indians in Minnesota. I am not going to discuss the merits of this amendment, except to say that I think everyone who knows anything about the situation in the White Earth Reservation of Minnesota will admit that there ought to be some legislation. Generally I do not like to tack legislation upon appropriation bills. There are occasions when it is desirable, and this might be one of them. I do not say such is the case, but what I want to call attention to in connection with this matter is this: When Congress authorizes an investigation of a subject, that investigation ought to be conducted by the committee that has jurisdiction over the subject matter of the investigation.

Recently there has been an alleged investigation of conditions on the White Earth Reservation by a subcommittee of the Committee on Expenditures in the Interior Department. That investigation was conducted, or most of it, in the field by two members of the majority of that committee. There was no minority member of the committee who attended many hearings. The report which has been made by the committee is the report of the subcommittee consisting of two members, so that we have here, in fact, a report on the subject of conditions on the White Earth Reservation made by two Members of the House, neither of whom is a member of a committee that has jurisdiction over the subject matter. To that report made by the majority I dissented, so did the gentleman from Wyoming, and we filed minority views. I did so because I could not from any standpoint concur in the report of the majority members of the committee, which was full of conclusions not supported by the testimony that was taken. It was filled with many inaccuracies and some misstatements, and, among others, it referred disparagingly to one man in the Indian Service whom I have known personally for many years, and it is with reference to that part of the report that I want to speak.

The report seeks to discredit Inspector James McLaughlin, a man of the highest reputation and probity of character, who has been in the Indian Service more than 40 years and is generally known throughout the country as "the Indian's friend" more than any man now living; a man who has negotiated more agreements and more treaties with Indian tribes than any other man in the whole history of the country; is an author of note, as well as a practical man of Indian affairs; and now, in the evening of his life, he is contemptuously referred to in police-court parlance as "one James McLaughlin, who was and is still said to be," and so forth, and is assailed in a partisan report made by two members of a committee of this House having no jurisdiction over the subject matter which was "investigated."

This distinguished citizen, with a magnificent record in the public service, needs no defense from me or anyone else. The stigma which for partisan purposes—although Maj. McLaughlin is singularly free from partisan bias—it is sought now to attach

to his reputation will have no effect upon persons even moderately well informed in the history of our Indian affairs, except, perchance, to react upon those who seek to detract from his well-earned brilliant career.

Who steals my purse steals trash; 'tis something, nothing;
'Twas mine, 'tis his, and has been slave to thousands;
But he that filches from me my good name
Robs me of that which not enriches him,
And makes me poor indeed.

While, as I have already said, Maj. McLaughlin needs no defense from the attack made upon him in a partisan report, it is not surprising that this modest gentleman of the old school should be sensitive to the intended reproach. In his own characteristic manner he has taken notice of the undeserved criticism, and I ask that a letter addressed by him to the Secretary of the Interior be read by the Clerk. With this, I will leave his detractors to such consolation as they may be able to extract from the situation.

DEPARTMENT OF THE INTERIOR,
Washington, February 19, 1913.

The honorable the SECRETARY OF THE INTERIOR.

SIR: Report No. 1336, House of Representatives, Sixty-second Congress, third session, in the matter of the investigation of the White Earth Indian Reservation, contains allegations reflecting on me as an official of the Department of the Interior, and I, therefore, desire to place in the files of the department this statement.

The report, in so far as it relates to me, is so incorrect and absurdly ridiculous that I would let it pass unnoticed were it not that it is a report of a congressional committee, which, apart from having been made to Congress and now a part of the House records, has been given more than ordinary publicity in the newspapers throughout the country, which fact has influenced me to submit this statement with reference thereto for the files of the department with which I have been officially connected for the past 41 years.

The committee alleges (p. 8 of the report) that my instructions were—

"To hold a council of the Indians, with as large an attendance as can be procured, and obtain from them an individual expression of their desires and views, and to adopt such other measures as may be necessary to ascertain the views of a majority of the adult Indians."

A copy of my instructions was undoubtedly in the possession of Mr. M. C. Burch, attorney in charge of White Earth matters for the Department of Justice, but I have been unable to find that it was introduced as evidence before the committee. The quotation made above seems to have been extracted from a letter dated September 6, 1905, from F. E. Leupp, then Indian Commissioner, to the Secretary of the Interior, and may be found on pages 118 and 119 of Pamphlet No. 10 of the hearings before the subcommittee, marked "Burch's Exhibit No. 33."

My instructions came from the Secretary of the Interior and bore date of September 7, 1905, a fact the committee must have been fully aware of as a photographic copy of my report was introduced in evidence and reference to my instructions was made therein. (See Pamphlet No. 10 of hearings before the subcommittee, p. 120, Burch's Exhibit 34.)

I had been at the Round Valley Agency, Cal., and upon returning to San Francisco therefrom received a telegram from the Acting Secretary of the Interior, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 7, 1905.

MCLAUGHLIN,
Inspector, 23 Washington Street, San Francisco, Cal.:

Proceed to White Earth Agency, Minn., where instructions will meet you. Have superintendent warehouse forward other instructions to White Earth mailed yesterday to you in his care.

THOS. RYAN, *Acting Secretary.*

Upon receipt of this telegram I proceeded to White Earth Agency, Minn., arriving there on September 17, 1905, where I received the letter of instructions referred to in said telegram, which instructions were as follows:

DEPARTMENT OF THE INTERIOR,
Washington, September 7, 1905.

JAMES MCLAUGHLIN,
United States Indian Inspector, White Earth Agency,
White Earth, Minn.

SIR: Referring to telegram sent you this morning directing you to proceed to the White Earth Agency, Minn, you are advised that the Commissioner of Indian Affairs, under date of 6th instant, reports that there is great dissatisfaction among the Indians of the White Earth Reservation on account of the allotments made to them by Agent Michelet, under the Steenerson Act, and he desires that you ascertain the wishes of a majority of the Indians in the matter of these allotments—that is, whether a majority prefer that the allotments as made by Agent Michelet shall stand, or whether they prefer to "draw" for the order of selections under a system similar to drawing for homesteads by whites where Indian lands are to be opened to settlement, the allotments in the order of the selections to be made either by a special agent of the Indian Office, or by a special agent and Agent Michelet jointly.

You will, therefore, promptly call a council of the Indians, with as large an attendance as can be secured, and obtain from them an expression of their wishes; and you are instructed to adopt any other measures you may deem necessary to ascertain the views and wishes of the majority of the adult Indians in the premises.

You are authorized to employ such clerical and other assistance as you may find necessary, such as stenographer, typewriter, interpreter, etc.; and you should use great caution in selecting an interpreter who is not only competent, but who can also be trusted to interpret honestly all that may be said at the council.

After completion of this duty you will proceed to the Colville Agency, as directed in department letter of the 6th instant, unless otherwise ordered in the meantime.

Very respectfully,
THOS. RYAN,
Acting Secretary.

It will be observed from the wording of my instructions that the quotation on page 8 of the committee's report does not state them correctly. The words, "*individual* expression of their wishes and views," as therein stated is incorrect and misleading; the correct wording of said sentence being "promptly call a council of the Indians, with as large an attendance as can be secured, and obtain from them an expression of their wishes," and the proceedings of the council convened by me with the White Earth Indians under said instructions were strictly carried out in accordance therewith.

My instructions were *to hold a council to ascertain the wishes of a majority of the Indians in the matter of their additional allotments—that is, whether the majority preferred that the allotments as made by Agent Michelet should stand or whether they preferred to "draw" for the order of selections*, and, in addition to holding a council for that purpose, I was instructed to adopt any other measures that *I* deemed necessary to ascertain the views and wishes of the majority of the adult Indians, meaning, as a matter of course, the male adults.

It would seem that the premise of the committee's statement should at least be accurate to warrant confidence in its findings. It also seems strange that after having received in evidence a photographic copy of my report, dated October 6, 1905 (pamphlet No. 10, p. 121), there was no reference to the minutes of the council, the basis of my said report, and they did not appear as having been introduced in the hearings; and, stranger still, several years after the council proceedings this stenographic record evidence, the existence of which the committee must certainly have had knowledge, should be discredited by the oral testimony of one member of the council, Rev. Charles Wright, who was present and took part in the proceedings, and the evidence of the Rev. Duane F. Porter, who did not attend the council, knew nothing of it, so he testified, until after it was over, although he resided within 30 miles of White Earth Agency and was at that time, as stated by him, constantly circulating among 300 acquaintances on the reservation.

The testimony of said Mr. Porter (hearing No. 11, p. 143) is so ridiculously absurd that I deem it unnecessary to comment upon. He admitted that he did not attend the McLaughlin council, yet gives testimony as though he knew all about it, which is disproven by the minutes of the council. The entire testimony of this man Porter appears to have been drawn out of him by Mr. Burch's leading questions.

The testimony of George Walters (pamphlet No. 11, pp. 174–183), who was evidently intended by attorneys Burch and O'Brien, as next to Mr. Wright, their star witness concerning me, must have been a disappointment to the prosecutors, notwithstanding the persistency of Mr. Burch in pressing the witness with the leading questions.

There is nothing in the printed reports of the hearings before the committee that challenges the integrity of the minutes of the council I held with the Indians of the White Earth Reservation at that time, and I submit that this record evidence can not be overcome by the unsupported testimony of one or two witnesses, even though, as the committee alleges, one of them—Rev. Charles Wright—is recognized by the Indians as chief of all the Chippewas, while it is a well-known fact by persons acquainted with the Minnesota Indians that the said Rev. Charles Wright is not recognized as a chief by more than 1 per cent of the Chippewas of the Mississippi.

As I stated in my report of October 6, 1905, I arrived at White Earth Agency on Sunday, September 17, 1905, and the following morning mailed to each chief and leading Indian of those interested—also for posting in the post offices at which Indians receive their mail—the following notice:

NOTICE.

WHITE EARTH AGENCY, MINN.,
September 18, 1905.

The undersigned desires to meet the Mississippi and Otter Tail Chippewa Indians of the White Earth Reservation, Minn., in council on Monday, September 25, 1905, at the hour of 1 o'clock p. m., at the White Earth Agency. All Indians interested in additional allotments of land under the Steenerson Act are requested to be present and participate in the council.

JAMES MCLAUGHLIN,
United States Indian Inspector.

It was not required of me to serve a notice on each individual Indian, nor to go out and canvass the reservation, nor bring the Indians into the agency. I issued the above-quoted notice and sent copies of it to all parts of the reservation that the Indians interested in additional allotments under the Steenerson Act might be advised of the council thus called and I am quite confident that every Indian then on the reservation had ample notice to be present at the council if they so desired.

Said notices were sent out from the agency on September 18, 1905, and the council was not convened until September 25, 1905, thus giving the Indians an entire week's notice, and that I did not hurry them in their deliberations is borne out by the duly certified minutes of the council, which show that three days were consumed in discussing the matter before the question was put to a vote of the 154 male adult Indians present, the result of which was 130 for the allotments, as made by the agent Michelet, to stand, with only 5 for reallotment and 19 declining to vote, which decisive vote clearly indicated the sentiment prevailing among the Indians with reference thereto, and the question was thus determined as reported by me under date of October 6, 1905.

The following appears in the committee's report (p. 8):

"This is what McLaughlin did: He held at White Earth Agency a so-called council, which he claims was attended by only 154 Indians, although there were at that time 2,800 entitled to allotment; he held them in conference about two days, and then, although there was nothing in his alleged notices hinting of such a purpose, he put to a vote the question as to whether the allotments should stand. He refused to allow the surprised full bloods present to send out runners to bring in the people from the reservation, and then and there forced the question to an issue; he falsely reported that 54 full bloods were present and voted in favor of allowing the Michelet allotments to stand, when the fact seems to be there were only five or six full bloods present and they refused to vote; he falsely reported that several mixed bloods whom he named were prominent full-blood chiefs; in anticipation of further objection from the chief, Rev. Charles Wright, he made vicious and unwarranted attacks on the birth and character of this faithful Indian leader and devout missionary, and recommended the fraudulent allotment be reinstated."

With reference to the above-quoted paragraph, based largely upon the allegations of said Rev. Charles Wright, together with the testimony of George Walters, I respectfully invite attention to the minutes of the council held by me with the White Earth Indians from September 25 to September 27, 1905, inclusive, which show that these two men, together with Peen-de-gay-ge-shig, who was Rev. Charles Wright's chief spokesman on that occasion, were the only persons expressing themselves as opposed to the allotments as made by Agent Michelet.

I desire to here state that I have officially conducted negotiations with nearly every tribe of Indians in the United States and have

never before been accused of being unfair to the Indians; on the contrary, the only criticism of me in my negotiations as a representative of the Government with Indian tribes having been that I was inclined to be too generous and considerate of the wishes of the Indians, and in all of my negotiations with the Indians I have been unbiased, impartial, and fair in presenting the questions submitted to them by me, and my council with the White Earth Indians in said additional allotment matter was conducted strictly along those lines.

In this connection I desire to state that in my numerous councils with the Indians I have sometimes met individual members of tribes of similar character to said Rev. Charles Wright, who had selfish objects in view and who to gain recognition for their contentions opposed the will of the majority. I have always listened patiently to what such chronic objectors might have to say, but was never influenced by their attitude in arriving at my conclusion when so unreasonably selfish as Mr. Wright was in this instance; and, after a full discussion and clear understanding of the White Earth additional allotments matter, I arrived at the conclusion as stated in my report with reference thereto.

There was not the slightest doubt in my mind at the time, nor is there now, but that all Indians of the White Earth Reservation had due notice of the said council and that all desiring to attend were present at its sessions, and that Rev. Charles Wright, who is so frequently mentioned in the committee's report, had his entire following present with him in the council, he having come from Cass Lake, much farther than any of the other beneficiaries had to travel to the agency headquarters, while his two principal henchmen, Peen-de-gay-ge-shig and George Walters, lived in widely separated parts of the reservation, Peen-de-gay-ge-shig living about 20 miles northeast of the agency, and George Walters about 2 miles north of the agency, and all Indians attending said council came into the agency for that purpose upon the invitation contained in the notices sent out by me to the several districts of the reservation.

The committee's report appears to make much of what should be regarded a council of Indians, and speaks of the council I held with the White Earth Indians (Sept. 25 to Sept. 27, 1905, inclusive) as a "so-called council." With reference to same and with due respect to the members of that committee, I assert most emphatically that the said council was a large representative assemblage of the interested Indians of the White Earth Reservation. There were 154 male adult Indians present when the vote was taken, as shown by the minutes of the council, and my report thereon, which figures remain undisputed. There were at least 400 beneficiaries of the reservation—men, women, and children—in attendance at that council, but my dealings were with the male adults only.

After my many years' negotiations with the Indians I should be able to judge what a reasonable representative gathering of Indians of a reservation would be and I assert, without fear of honest contradiction, that a decision on any tribal question by 25 of the leading men of any of the northwestern reservations would be accepted as the act of an entire tribe. Therefore the 154 male adults of the White Earth Reservation who participated in the council of September 25 to 27, 1905, inclusive, voiced the sentiment prevailing among the Indians on the reservation and was, as regarded by me, or by any person with a fair knowledge of non-English speaking Indians, a greater representation than usual. Many Indians are indifferent in such matters, leaving their so-called chiefs and headmen to represent the tribe and decide upon the question under consideration, and my council with the White Earth Indians at the time referred to was with the full knowledge that the entire adult male population of the reservation was not present, but that all were notified and might have attended had they so desired, and that those in attendance represented the entire Indians of the reservation in this tribal council.

On March 10, 1912, I receved a communication dated March 8, 1912, from the chairman of the committee, reading as follows:

HOUSE OF REPRESENTATIVES,
Washington, March 8, 1912.

Mr. JAMES MCLAUGHLIN,
National Hotel, Washington, D. C.

MY DEAR SIR: In the investigation which our committee has been making of the White Earth (Minn.) Indian Reservation, your name has frequently been mentioned during the production of the evidence, and under circumstances which may lead you to think you should appear before the committee. I send you to-day a copy of the evidence printed up to this time and will send you the rest of the evidence as soon as it is printed, and the committee will give you an opportunity to be heard, if you so desire.

Very truly, yours, JAMES M. GRAHAM.
Chairman Committee on Expenditures in the Interior Department.

To the foregoing communication I made reply, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1912.

Hon. JAMES M. GRAHAM,
Chairman Committee on Expenditures in the Interior Department.

DEAR SIR: Your letter of the 8th instant, relative to the investigation which your committee is making of the White Earth (Minn.) Indian Reservation, has been received. In reply thereto I beg to state that I do not deem it necessary to appear before your committee, on my own account, inasmuch as I stand firmly on my reports on this matter.

However, if my evidence can be of any material assistance to your honorable committee, I waive subpœna and am ready to appear upon request.

Very respectfully, JAMES MCLAUGHLIN,
Inspector, Department of the Interior.

I did not receive any reply to my letter, above quoted, and not having been subpœnaed nor further requested to appear before the committee, and, as stated in my letter to the chairman, standing firmly on my reports in the premises, based on the minutes of the several sessions of the council, I concluded that the matter was ended in so far as it concerned me, and was therefore greatly surprised to see it stated on page 9 of the committee's report that—

"McLaughlin was duly notified by your committee that his conduct as an official had been called in question, and was given an opportunity to be present at its sessions at Washington, but failed to appear."

I reiterate, as stated in my letter to Chairman GRAHAM, dated March 13, 1912, that I stand firmly on my report of October 6, 1905, in this matter, a copy of which report, together with copy of the minutes of the council upon which it was based, are transmitted herewith, the originals of which are on file in the department, and the reading of which by any fair-minded and unbiased person can not but regard the proceedings and report thereon as a complete refutation of the conclusions adopted by a majority of the committee in their report dated January 16, 1913, in so far as it relates to me in connection with White Earth Reservation matters.

In reference to the said council held by me with the White Earth Indians, referred to in the committee's report as "really a Nichols-Chisholm council," which insinuation of me having been unduly influenced is too absurd for me to comment upon other than to state that I had never heard of the Nichols-Chisholm Lumber Co. until reference to White Earth timber matters began to appear in the Minnesota newspapers some years after my said council—probably about the year 1909—also that I have never met any member of said lumber company nor any of their representatives so far as I am aware of; that no lumbermen or any white men other than those belonging on the White Earth Reservation attended said council, and I challenge any man to produce evidence that I have ever been in a business way associated or connected with any lumber company in the United States.

With reference to the Mille Lac matter, referred to by the committee, and which has no direct bearing upon White Earth matters, I desire to submit that this entire transaction, so far as my connection with it is concerned, is a matter of record not only in the Department of the Interior but also in the Treasury Department and the Department of Justice, the same having come up incidentally in the Court of Claims in case No. 30447, decided May 6, 1912, known as the "Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States."

The joint report of Agent Michelet and myself, dated September 30, 1902, transmitting the agreement entered into by us with the said Mille Lac Indians under the act of May 27, 1902, together with the accompanying papers, gives printed in full in No. 30447, Court of Claims, evidence for defendants in said case, and the findings of fact of said court fully upholds our construction of the said act of Congress, the provisions of which we strictly adhered to in our negotiations with the Indians, and the agreement which we entered into with them, including the disposition of the funds after the Indians in tribal council had declared how they wished the money disbursed. The said act provides:

"That this appropriation shall be paid only after said Indians shall, by proper council proceedings, have accepted the provisions hereof and declared the manner in which they wish the money disbursed."

Judge Booth, of the Court of Claims, who delivered the opinion of the court, said in reference to this:

"The act of May 27, 1902 (32 Stat. L., 268), appropriated $40,000 to pay the Mille Lacs for the improvements made upon their reservation. It can not affect this controversy, and was at the most a tardy and almost inconsequential recompense to secure their removal from a reservation from which they had already been excluded by being divested of their Indian title, and upon which they had remained because of the failure to extend to them the benefits of the act of 1889. All the treaties with the Mille Lacs provided payment of expense of removal to their new reservation. The Congress by the terms of this act recognized their possession of the reservation as a tribe by authorizing the amount appropriated to be paid in accordance with tribal law adopted in council proceedings."

And Judge Howry of said court said that—

"The improvements at the time the appraisement was made were practically of no value, and were assessed at what they had been, the object being to secure the removal of the Indians to the White Earth Reservation."

I cite these facts to show that there was no foundation whatever for the reference to this Mille Lac case in the committee's report, as the facts as herein stated should have been known to Attorneys Burch and O'Brien, of the Department of Justice, who presented this case to the committee in pamphlet No. 7 of the hearings, wherein Attorney Burch, under the caption "A two-edged fraud—Mille Lac case," stated:

"Michelet and this same McLaughlin went over for the Government to investigate and appraise the improvements and found practically none—nothing but the charred remains of some Indian tepees; but to eat up—that is, to cover the entire $40,000—these charred remains were appraised at the original cost of the tepee, and items were inserted in the list of improvements, such as the profit an Indian would make gathering wild rice for a year, for gathering wild honey for a like period, and other like items."

This statement of Mr. Burch is a misrepresentation of facts, as there was no items of rice or wild honey in our schedule of appraisement, and the baseless allegation as presented by Attorney Burch being, in substance, accepted and adopted by the committee, should tend to discredit the entire report.

The wild rice and wild honey referred to in Mr. Burch's statement in Hearing No. 7, as to what he was going to prove before the committee, was doubtless found by him in an appraisement filed in the department of losses aggregating about $76,000 sustained by Mille Lac Indians forwarded by Mr. D. H. Robbins, of Vineland, Mille Lac County, Minn., to the Secretary of the Interior about two years previous to our negotiations with the Mille Lac Indians under the act of May 27, 1902, which appraisement list was never acted upon by the department and had no connection whatever with the appraisement made by Agent Michelet and myself. I mention this to show the extremes to which Attorneys Burch and O'Brien resorted (neither of whom I have ever met) in their efforts to besmirch character with the evident hope of thus aggrandizing themselves.

The committee's report, on first page thereof, states that—

"This subcommittee, through its chairman, had requested of the representative of the Department of Justice (M. C. Burch) a complete statement of the matter to be presented to your subcommittee in its further sessions. This was furnished with reasonable promptitude and constitutes No. 7 of the series. It served as a guide to the subcommittee during our subsequent proceedings."

As pertinent to the foregoing, I respectfully invite attention to the striking similarity of the phraseology employed in said Hearing No. 7 (being Attorney Burch's statement) and in the report of the committee, which, as regarded by me, makes it unnecessary for me to comment further upon this phase of the proceedings, other than that it clearly shows that the report is based upon a statement of what was to be presented, instead of the actual facts.

Very respectfully, JAMES MCLAUGHLIN,
Inspector Interior Department.

Mr. STEPHENS of Texas. Mr. Speaker, I do not believe it is necessary to make any further statement, and I will ask for a vote.

The SPEAKER. The question is on suspending the rules, taking this bill from the Speaker's table, disagreeing to the Senate amendments, and asking for a conference.

The question was taken; and (in the opinion of the Chair two-thirds having voted in favor thereof) the rules were suspended, and the motion to send the bill to conference was agreed to.

The SPEAKER. The Chair announces the following conferees.

The Clerk read as follows:

Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

INDIGENT PERSONS OTHER THAN NATIVES IN THE DISTRICT OF ALASKA.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I call up the conference report on the bill S. 267, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 1578).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 267) providing for assisting indigent persons, other than natives, in the District of Alaska, 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 amendments of the House and agree to the same with an amendment, in the nature of a substitute, as follows:

"That section 1 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes,' approved January 27, 1905, as amended by an act approved May 14, 1906, and as further amended by an act approved February 6, 1909, be, and the same is hereby, amended so as to read as follows:

"'SECTION 1. That all moneys derived from and collected for liquor licenses, occupation or trade licenses, outside of the incorporated towns in the Territory of Alaska, shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the Territory of Alaska. Twenty-five per cent of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said Territory; 10 per cent of said fund shall be, and is hereby, appropriated and authorized to be expended for the relief of persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory: *Provided*, That the clerk of the court of each judicial division of said Territory is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies while actually engaged in the performance of this duty shall receive the same fees and allowances and be paid in the same manner as when performing their regular duties.

"'That at the end of each fiscal quarter the Secretary of the Treasury of the United States shall divide the amount of said 10 per cent of said fund so received during the quarter just ended into four equal parts, and transmit to each of the four United States district judges in Alaska one of said equal amounts.

"'That each of said judges is hereby authorized to expend so much of the money received by him under this act as may, in his discretion, be required for the relief of those persons in his division who are incapacitated through nonage, old age, sickness, or accident, and who are indigent and unable to assist and protect themselves: *Provided*, That each judge shall quarterly submit to the Secretary of the Treasury an itemized statement, with proper vouchers, of all expenditures made by him under this act, and he shall at the time transmit a copy of said statement to the governor of the Territory: *Provided further*, That any unexpended balance remaining in the hands of any judge at the end of any quarter shall be returned to the Secretary of the Treasury of the United States, and by him deposited in the said "Alaska fund," and the said sum shall be subsequently devoted, first, to meeting any actual requirements for the care and relief of such persons as are provided for in this act in any other division in said Territory wherein the amount allotted for that purpose has proved insufficient; and, second, if there shall be any remainder thereof, said remainder shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said Territory.'"

Amend the title so as to read: "An act to provide assistance to persons in Alaska who are indigent and incapacitated through nonage, old age, sickness, or accident, and for other purposes."

And the House agree to the same.

B. G. HUMPHREYS,
RUFUS HARDY,
J. N. LANGHAM,
Managers on the part of the House.

KNUTE NELSON,
HENRY E. BURNHAM,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House submit the following statement of the agreement of the conferees on the disagreeing votes of the two Houses on the bill S. 267: The Senate recedes from its disagreement to the amendment of the House, with an amendment which changes the bill as it passed the House by striking out, in line 21, page 2, the word "thirty" and inserting in lieu thereof the word "twenty-five"; and by striking out, in line 17, page 3, the words "section 2"; and by striking out, in line 21, page 3, the word "marshals" and inserting in lieu thereof the words "district judges"; and by striking out, in line 23, page 3, the words "section 3"; and by striking out, in the same line, the word "marshals" and inserting in lieu thereof the word "judges"; and by striking out, in line 4, page 4, the words "marshal with his quarterly report" and inserting in lieu thereof the word "judge"; and in the same line by inserting, after the word "shall," the word "quarterly," and, after the word "submit," inserting the words "to the Secretary of the Treasury"; and, in line 9, page 4, by striking out the word "marshal" and inserting in lieu thereof the word "judge"; and by striking out, in line 10, page 4, the word "Treasurer" and inserting in lieu thereof the words "Secretary of the Treasury."

B. G. HUMPHREYS,
RUFUS HARDY,
J. N. LANGHAM,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I call up the conference report on the bill (H. R. 28607), the diplomatic and consular appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes.

The SPEAKER. The Clerk will read the statement.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1585).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Tht the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 6, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$20,000"; and the Senate agree to the same.

H. D. FLOOD,
JNO. N. GARNER,
W. B. MCKINLEY,
Managers on the part of the House.

CHARLES CURTIS,
GEORGE T. OLIVER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, and for other purposes, submit the following written statement explaining the effect of the action agreed upon and recommended in the accompanying conference report on each of the said amendments:

Amendment No. 1: Appropriates $100,000 for marking the boundary line between Alaska and Canada and the United States and Canada, instead of $105,000, as proposed by the Senate. One hundred thousand dollars is the appropriation proposed by the House. The Senate recedes from its amendment.

Amendment No. 2: Strikes out the appropriation of $2,000 for the share of the United States of expenses that may be incurred in carrying out the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and Dominion of Canada, and the expenses of the commission on the part of the United States for the fiscal year ending June 30, 1914. The Senate recedes from its disagreement to this amendment.

Amendments Nos. 3 and 4: Change the phraseology making appropriations for International Joint Commission on Boundary Waters under treaty between the United States and Great Britain. The House recedes from its disagreement to these two amendments.

Amendment No. 5: Appropriates $20,000 to enable the United States to contribute to the adornment of the Palace of Peace at The Hague by sending some object of art of national production, instead of no appropriation as proposed by the House and $30,000 as proposed by the Senate.

Amendment No. 6: Appropriates $5,000 for an international conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, as proposed by the Senate, instead of no appropriation for this purpose as proposed by the House.

H. D. FLOOD,
JNO. N. GARNER,
W. B. MCKINLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I desire to call up the conference report on the bill S. 8275, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The Clerk will report the statement.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1586).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 8275) granting pensions and increase of pension to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, 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 amendments of the House numbered 1, 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16.

That the House recede from its amendments numbered 3 and 5, and agree to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

P. J. MCCUMBER,
B. F. SHIVELY,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 is the case of John W. Slaughter (S. 199): The Senate passed this item at $20 per month. The House reduced the amount to $12, in accordance with the recommendation of the board of examiners. The Senate recedes.

Amendment No. 2, the case of Louisa A. Thatcher (S. 824), widow of a soldier and dependent mother of an officer in the Navy who was killed by an explosion of a gun on the battleship *Georgia:* This case is a little unusual. The Senate passed the case at $24 per month and the House struck the item from the bill. The Senate recedes.

Amendment No. 3 is the case of Charles W. Camp (S. 1766): The Senate passed this at $20 per month. The House reduced the amount to $16 per month. The soldier is now drawing $14 per month for disabilities incurred in the service, and giving him the benefit of the doubt the additional amount allowed by the Senate is permissible and the House recedes.

Amendment No. 4, Charles M. Baughman (S. 3845): The Senate passed this at $30 per month. The soldier is suffering from disabilities due largely to accident received after his service, and it is not shown that he incurred any serious disability by reason of service. The Senate recedes.

Amendment No. 5, Elizabeth S. Lewerenz (S. 3943): The Senate passed this at $40 per month. The House struck the item from the bill on the grounds that the widow's financial condition did not justify the increase. It appears, however, that a part of the funds which the widow has is set aside for the use of her child, and the case is permissible in accordance with precedent. The House recedes.

Amendment No. 6, the case of Minnie Wadsworth Wood (S. 5751): It does not appear that officer's death was due to service. The House struck the item from the bill, and the Senate recedes from its disagreement to that amendment.

Amendment No. 7, Barbara B. Haws (S. 6969): The House struck this item from the bill on the grounds that the soldier's actual service was considerably less than the 30 days required. although it does appear that he was with his company for about 27 days. The Senate recedes from its disagreement to this amendment.

Amendment No. 8, Charles L. Stevens (S. 7088): The House struck this item from the bill on the grounds that the evidence of incurrence of disability in the service was not sufficient to justify the allowance of the claim. The Senate recedes from its disagreement to the amendment.

Amendment No. 9, James McMahon (S. 7228): The House struck this item from the bill on the grounds that the evidence of incurence of disability in the service is rather remote, and if his disability has increased he could obtain relief at the bureau, where he has not applied for increase for more than five years. The Senate recedes from its disagreement to this amendment.

Amendments Nos. 10, 11, 12, 13, 14, 15, and 16 are all items which the House struck out, which items proposed to increase the pensions of soldiers who served in the Indian wars, all of whom will receive a greater increase under a law recently passed. The Senate recedes from its disagreement to all of these amendments.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

PUBLIC BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 28766, the omnibus public buildings bill, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

Mr. BORLAND. Mr. Speaker, I reserve the right to object.

Mr. HARDWICK. Mr. Speaker, I reserve the right to object——

The SPEAKER. The gentleman reserves the right to object to what?

Mr. HARDWICK (continuing). To unanimous consent. Will the gentleman from Alabama [Mr. BURNETT] be willing to give us opportunity now, or to assure us that we can at a later time have an opportunity, for a separate vote on Senate amendment No. 196, which relates to the general policy and endeavors to put a limit on how these buildings shall be constructed?

Mr. MANN. Which amendment?

Mr. HARDWICK. Senate amendment No. 196.

Mr. BURNETT. I have no authority, Mr. Speaker, to give any assurances whatever. As to the general policy of that amendment, with some variations I think I should favor it myself, perhaps, and I can give no assurance as to what the conference committee will do.

Mr. HARDWICK. Will it give us an opportunity to express ourselves on this question?

Mr. BURNETT. I do not know about that.

Mr. HARDWICK. Unless the gentleman modifies his request so as to let us have a separate vote now, or give us some assurance that the chairman of the conferees, and we know that he will be chairman on the part of the House, will allow us an opportunity at a later time to vote on that proposition, I shall be compelled to object.

The SPEAKER. The gentleman objects.

Mr. BURNETT. Mr. Speaker, I move to suspend the rules, nonconcur in the Senate amendments, and ask for a conference.

Mr. BORLAND. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves to suspend the rules and take the bill H. R. 28766 from the Speaker's table, disagree to the Senate amendments, and ask for a conference. The Clerk will report the title.

The Clerk read as follows:

H. R. 28766. An act to increase the limit of cost of certain public buildings, to authorize the enlargement, the extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER. Is a second demanded?

Mr. HARDWICK. I demand a second.

Mr. BORLAND. I demand a second.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] demands a second.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. HARDWICK. Is the gentleman from Missouri [Mr. BORLAND] opposed to the amendment?

Mr. BORLAND. Yes.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Alabama [Mr. BURNETT] is entitled to 20 minutes and the gentleman from Missouri [Mr. BORLAND] to 20 minutes. Which one of the gentlemen desires to proceed?

Mr. BURNETT. Mr. Speaker, I desire merely to state that there are a number of Senate amendments; that there are some of them perhaps that are good and many of them that, no doubt, are bad; and I think the conferees can be trusted to determine what, in their opinion, is good and what is bad and report it to the House. I reserve the balance of my time.

Mr. CANNON. Will the gentleman yield to a question?

Mr. BURNETT. Yes.

Mr. CANNON. The amendment that is objected to creates a commission by legislation?

Mr. BURNETT. No, sir. The amendment which is objected to by gentlemen is that while there may be a site or a building authorized, yet there can be no appropriation for it until it reaches the limit of $10,000 in receipts.

I reserve the balance of my time, Mr. Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, 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. NELSON, Mr. SMITH of Michigan, and Mr. SIMMONS as the conferees on the part of the Senate.

PUBLIC BUILDINGS BILL.

The SPEAKER. The gentleman has used three minutes. Does the gentleman from Missouri [Mr. BORLAND] desire to use any of his time? [Cries of "Vote!" "Vote!"]

Mr. BORLAND. Mr. Speaker, this bill to provide public buildings passed the other body at 4 o'clock this morning. It has been impossible for Members of this House to see a printed copy of it as passed, let alone to give the amendments any consideration. But from the newspaper reports it is indicated that about $19,000,000 has been added since the bill left this House. The bill as reported in the other legislative body carried not only the items that left the House, but it also carried some $9,700,000 in addition for expenditures in the District of Columbia, and some eleven or twelve million dollars for expenditures outside of the District of Columbia.

My information is that of the $9,000,000 for the District of Columbia the only item that failed to pass the other legislative body is that for the building for the loyal women of the Civil War. Just exactly why that item failed I am unable to understand. The bill carried, when reported, an item of $5,000,000 for the Memorial Bridge, $1,750,000 for an armory, $2,300,000 to move the Botanic Garden into the bed of Rock Creek, and some other items which I do not now recall. I understand that the $5,000,000 project of the Memorial Bridge was reduced to $1,500,000, but it may be, as it has heretofore happened that that will only be the starter for the $5,000,000 project, so that the amount finally chargeable to the Treasury may be the total of $5,000,000.

I want to say this to the Members of the House: That when this bill left the House it was subjected to some criticism here and elsewhere on the ground that a great many of the items were not authorized by the needs of the public service; that many of the proposed buildings were in towns too small to justify the expenditure of public money for such a purpose; that there were items of fifty or sixty thousand and even of one hundred thousand dollars in towns where the postal receipts were not sufficient to justify such buildings.

I say to you, gentlemen, that I have no knowledge of what those items are. I hope and believe they were very few in number compared with the many good projects in the bill. It may be that some items of that kind are in the bill, and that these charges that have been hurled against the House, and particularly the Democratic Committee on Public Buildings and Grounds, of preparing a pork-barrel measure may be based on some honest, and not purely malicious criticism. But to make up that $9,000,000 hogshead of pork for the District of Columbia it would take at least 200 items of that fifty or sixty thousand dollar size; it would take that many items to make that hogshead of pork that is rolled in here from the District of Columbia. [Applause.]

From all over this country, where the great business of the American people is being transacted, where these public buildings are to be placed, Members come here to show the needs of their districts and get the consent of the Committee on Public Buildings and Grounds that certain items shall go in, based, to my knowledge, in nearly every case, on a concrete showing of the necessity; and yet we are asked here to pass a bill that contains perhaps less than a score of items that can be attacked on any ground of just criticism out in the country, but containing a nearly $10,000,000 hogshead of pork for the District of Columbia. [Applause.]

We are compelled to submit to this unjust criticism from one end of this country to the other, of having prepared a pork-barrel bill, when there is not a Member of this House that has got more than a slice of side meat compared with this hogshead of pork that is rolled in here in the last days of the session. I am disgusted with this high-handed attempt to not only get the lion's share of the pork, but to load all the odium upon the House of Representatives.

I was fighting a battle here to keep that $2,000,000 for the Lincoln Memorial from being swallowed up by the real estate ring of the District of Columbia and used for this Greek temple down on the Mall. I told you then that it would be but the beginning of a raid on the Treasury; that it would take $2,300,000 to move the Botanic Gardens into Rock Creek, and other enormous expenses to beautify the site of that temple. But they have put not only that into this bill, but the bridge also, and $1,750,000 for an armory, which is to be built upon land belonging to the United States, and not to the District of Columbia.

Mr. MANN. I understood the Memorial Bridge item was put in at $1,500,000. I understood the gentleman to say it was $5,000,000.

Mr. BORLAND. I said while it was reduced to a million and a half, it might be increased eventually to the original $5,000,000 when the camel once got his head through the canvas of the tent.

Mr. MANN. I understood the gentleman to say that $5,000,000 was recommended for the Memorial Bridge.

Mr. BORLAND. I do not think the House was misled. I referred to the fact that the item carried $1,500,000, and I stated my opinion that in the end this amount would be increased to the $5,000,000 necessary to cover it.

Now, Mr. Speaker, if this House wants to brand itself and to submit to the charge of passing pork-barrel bills, it can agree to send this bill to conference. I do not say that that will result in a pork-barrel bill, but I say that the proper way to fight the charge of having brought in a pork-barrel bill will be for the House to take possession of these amendments that have been sent from the other body, eliminate the items that are not defensible, and put the bill in a shape where any Member of this House can stand and justify the bill, both here and elsewhere. [Applause.]

That is the proper course to be taken with these bills, and the time to meet the pork-barrel charge is now, before the bill is passed, while it is in this House, while the amendments proposed are before this House, and we should not put that burden upon the conferees exclusively.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used seven minutes.

Mr. BURKE of South Dakota. I understood the gentleman from Missouri to say he would eliminate these Senate amendments. In what manner would he eliminate them, except by disagreeing to them?

Mr. BORLAND. The rules of this House provide that if this motion is voted down, the bill must go to the committee. When it comes back from the committee it must go to the Committee of the Whole House on the state of the Union, because it involves a charge upon the American people, and when it goes before the Committee of the Whole House on the state of the Union, then the House has full control of the bill, Senate amendments and all. We can then send the bill to the Senate in whatever shape we desire.

Mr. BURKE of South Dakota. But the most that we can do with any Senate amendment is to disagree to it.

Mr. BORLAND. That would eliminate that particular amendment, and there would be nothing for the conferees to act upon.

Mr. BURKE of South Dakota. The gentleman is mistaken. The most the House can do is to disagree to the Senate amendments.

Mr. MANN. It is true that if this motion is voted down, then the bill will be on the waste heap, will it not?

Mr. BORLAND. If this motion is voted down, the bill will then be referred under the rule.

Mr. MANN. That is the same thing.

Mr. NORRIS. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman from Nebraska.

Mr. NORRIS. I want to suggest to the gentleman that if this motion is voted down and the bill goes to the committee and then back to the House, and is then referred to the Committee of the Whole House on the state of the Union, when we consider each item, all that the Committee of the Whole House can do is to disagree to the several amendments of the Senate and then ask for a conference. Does not this motion accomplish the same thing, and is not that what this motion is?

Mr. LANGLEY. And is not this the more expeditious method?

Mr. NORRIS. And is it not true that if a man is opposed to the Senate amendments he ought to be in favor of this motion?

Mr. BORLAND. No. The gentleman from Nebraska understands——

Mr. NORRIS. When the gentleman gets his bill back into the Committee of the Whole House on the state of the Union, the memorial bridge amendment, for instance, will come up for action. What action can the Committee of the Whole take?

Mr. BORLAND. The Committee of the Whole can vote that amendment out of the bill.

Mr. NORRIS. Why, no; they can not do that. The gentleman must understand that all they could do would be to disagree to the Senate amendment.

Mr. BORLAND. That would vote it out of the bill.

Mr. LENROOT. Not unless the Senate receded from its amendment.

Mr. NORRIS. No; disagreeing to it would not vote it out of the bill, because it is a Senate amendment, which would still be in disagreement between the two Houses and a subject for the action of the conferees. Its condition as to each amendment will be the same as if this motion is agreed to.

Mr. CANNON. And would not a failure to agree to this motion practically result in the defeat of the bill?

Mr. KENDALL. All the House can do is to send it back with the Senate amendment disagreed to, and with an instruction to the conferees not to agree to the Senate amendment.

Mr. LANGLEY. Would not the procedure which the gentleman has detailed necessarily result in the defeat of any public-building bill at all at this session in view of the short time remaining between now and adjournment?

Mr. BORLAND. Not necessarily.

Mr. LANGLEY. I think it would.

Mr. GARDNER of Massachusetts. Is it not also true that the House may agree to some of these amendments?

Mr. NORRIS. That is very true.

Mr. GARDNER of Massachusetts. And that would produce a different result.

Mr. LANGLEY. And more complications and delay, greatly endangering the bill itself.

Mr. GARDNER of Massachusetts. The gentleman from Georgia suggests an amendment that the House may very well agree to in Committee of the Whole, and that would take it out of the realm of the conference.

Mr. CANNON. Will the gentleman allow me a question?

Mr. BORLAND. I yield to the gentleman from Illinois.

Mr. CANNON. As I recollect the rule, if this motion to suspend the rules and disagree to the Senate amendments and ask for a conference is adopted, the only way the gentleman can get any expression from the House is, before the conferees are appointed, the gentleman may move an expression of opinion on the part of the House, or to instruct the conferees not to agree to that amendment and report a disagreement, so as to give the House an opportunity to voice its opinion as to what ought to be done. I see no other way for the gentleman to get at the matter except to defeat this motion, and then it would go to the committee; and when the committee reports back, the only way then would be to get an expression on this Senate amendment.

Mr. BORLAND. Now, Mr. Speaker, in reply to the gentleman, it is true the conference report is not subject to amendment in detail, and for that reason this House adopted Rule XX, that when the Senate amendments were matters that would properly come before the Committee of the Whole House on the state of the Union, if they originated in a House committee, they should be referred to the Committee of the Whole House on the state of the Union and a point of order lie against them. That is attempted to be avoided in this case by moving to suspend the rules. It is true the thing to do now is to vote down the motion to suspend the rules and then the ordinary rules of the House will take ample care of the bill and it will be referred under the rule to the proper committee, and when amendments come in, if it involves a charge on the people, they will be referred to the Committee of the Whole House on the state of the Union, and we may agree to some and disagree to others.

Mr. CANNON. That is all true; but these are the closing days of the session, and if the course that the gentleman lines out is adopted it seems to me that it brings failure to the bill. I suggest to the gentleman that if he wants an expression of the House as to this particular amendment, or any other, before the Speaker announces the conferees, in the event the rules are suspended, he can move a resolution expressing the opinion of the House or to instruct the committee as to these matters that they must report a disagreement, so as to give the House later on an opportunity to express its will.

Mr. BORLAND. So much the worse that it comes in the closing days of the session. It involves $45,000,000 of public buildings, when there is not one in ten that can be begun within the elected term or reelected term of any Member present, and it is doubtful if one can be begun between now and March, 1915.

Mr. AUSTIN. Could not we spend the million dollars in which the gentleman's building is involved?

Mr. BORLAND. No; I doubt very much whether you could spend that money. It is not $1,000,000, but $150,000; but I am as much interested in this as is the gentleman from Tennessee.

Mr. AUSTIN. The gentleman is interested in his own proposition.

Mr. BORLAND. I am just as much interested in my proposition as the gentleman from Tennessee is interested in his. When I take this position I take it at as much personal sacrifice as would the gentleman from Tennessee.

Mr. AUSTIN. Oh, the gentleman from Missouri does not lose anything.

Mr. NORRIS. Mr. Chairman, I think I agree with what I think is the gentleman's main purpose. I did not vote for the bill when it passed the House, and would not vote for it with all the Senate amendments, but it seemed to me, in the light I have, that the proper thing to do was to disagree to the Senate amendments and on this motion to suspend the rules accomplish the very thing that the gentleman seeks to accomplish. If it comes back in the shape of a conference report containing all the items, some of which I think ought to be excluded, I shall vote against it.

Mr. BORLAND. We would have to vote them all down, which I think ordinarily would not be possible. I now yield to the gentleman from Tennessee.

Mr. SIMS. Mr. Speaker, I am not going to oppose the bill going to conference, but I do think the conferees ought to have some knowledge of the methods proposed by one amendment. That old crooked black snake proposition that has been before the House so often and always fails on its own merits to beautify Rock Creek Valley from Massachusetts Avenue causeway that crosses it to the Potomac River was sneaked in here.

It was defeated by a very large vote in this House as a part of what was then denominated the Judson plan, when only three Democrats voted for it and mighty few of any other sort voted for it. Before voting for it go down there and look at that crooked stream. For years and years the purpose has been to fill up Rock Creek Valley, providing a large sewer underneath it. But now it must be bought at an immense price and dug out so as to have an immense automobile drive on both sides. Under the general law we now have when property of that sort is purchased for such a purpose one-third of the value of that property is to be assessed against the abutting property owners. If this amendment goes through in this way then the general law will not apply, and the millions and millions of dollars worth of property in that portion of Washington will be improved by Government expenditure, with not one cent levied as benefits upon the abutting property.

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

Mr. SIMS. Certainly.

Mr. NORRIS. Mr. Speaker, I judge from what the gentleman says that the proposition is here in the shape of an amendment to purchase that real estate there, which amendment went out on two different occasions before.

Mr. SIMS. Certainly. It amounts to $2,300,000.

Mr. NORRIS. I am just as much opposed to that as the gentleman is. I am the Member who demanded a second on the fight when we defeated that bill.

Mr. SIMS. Yes.

Mr. NORRIS. But this is a disagreement to it. I have faith that our conferees will never consent to that. If there is any way to instruct them or to get a vote upon it, I will be very glad to get it. I will never support the bill with that in it.

Mr. SIMS. Yes; and I want the conferees now to state here to this House that before they will accept that amendment, avoiding the assessment of benefits on adjoining property, they will bring the bill back here for further instructions from this House. That is all I want to say. I know this way of disagreeing to Senate amendments is simply formal. It does not emphasize anything. This is one item which we do want to disagree to in an emphatic way, because we do not want the Senate in the last days of a dying Congess to undertake to cram it down our throats simply because of the fact that we are getting a little bit of pork out of the barrel.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, why should the Members of this House single out the Committee on Public Buildings and Grounds and attempt to muzzle them, and virtually say, "We have no confidence in you, and your case is different and deserves different treatment and action on the part of the House"? Why should we attempt here to discredit our colleagues who will be the conferees on the part of the House? What have they done to merit such a course or such a policy? These other appropriation bills have come here yesterday, the day before, and this morning, and the membership of this House has disagreed in every instance to the Senate amendments and trusted to the wisdom, honor, and fidelity of the conferees on every one of those committees. But now we must say to Mr. BURNETT, of Alabama, to Mr. CLARK, of Florida, to Mr. ANDRUS, of New York, "You are separate and apart; you are in a class all by yourselves." It is not fair treatment to them, and it is not just to ourselves.

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

Mr. AUSTIN. Certainly.

Mr. CANNON. I desire to ask the gentleman if his argument is not far-fetched. Everybody has confidence in the gentlemen he has named. It is not from lack of confidence, but it is because of a feeling of distrust that, with the success of this bill so dear to the heart of us, we may be tempted with important Senate amendments, in order to get what we want ourselves, to swallow a few elephants, some lions, or a tiger or two. [Laughter.]

Mr. AUSTIN. Mr. Speaker, in the last analysis of this proposition as presented to this House it is nothing more nor less than a statement that we can not intrust this matter to the care and keeping of these three worthy and honorable Members of the House. I hope we will mete out the same treatment to the conferees on this bill that has been extended to every other conference committee.

Mr. BURNETT. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I trust that the membership of the House will not misunderstand the situation. I think no one can regard it as it now stands without realizing that to refuse to send this bill to conference means that no public-building bill will be passed at this session. I think there can be no question but that that will be the result, whatever they may think it would be best to do under different circumstances. I am a new Member of the House and a new member of this committee, and hence, when I heard that the only possible motives that could actuate a committee in the formation of this bill were bad, mercenary, pork-barrel motives, I felt as though it was some reflection upon my service and the service of those who had labored with me.

I had seen the members of this committee at their work. I knew how, day after day, they had carefully examined into the various items that make up this bill. I have seen the Democratic majority and the Republican minority working together to agree, first, on fair rules, and, second, upon an adjustment of them to the circumstances as nearly as they could.

Mr. CALLAWAY. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. TOWNER. I must decline to yield; I have not the time.

The SPEAKER. The gentleman declines to yield.

Mr. TOWNER. I have seen the members of this committee trying to do as near justice as it was possible in all of these items, to deal fairly with the different Members of this House, to deal fairly with different sections of this country, to make a fair adjustment between the District of Columbia and the other sections of the United States. I have seen all this, and I have thought that they had done well in bringing in this bill, and I still think so, Mr. Speaker. I believe it to be as fair and as reasonable a bill as was ever reported to this House by a Buildings and Grounds Committee. [Applause.] It is three years since a buildings bill of any kind was reported. It is ordinarily the practice to report one every two years. It is expected we will expend $12,000,000 a year on these public buildings throughout the United States. It is expected that in order to meet these provisions $25,000,000 will be included in the authorization that this committee makes every two years. It was not done last year for the reason that gentlemen who had the responsibility thought it best not to do so. I am not here now to criticize that action. But I do desire to say that now, after three years have passed, this House must either abandon the proposition that public buildings are to be fairly apportioned throughout this country, or we ought to send this bill to conference under suspension of the rules.

Mr. BURNETT. Mr. Speaker, I believe we have no more remarks to make, and I therefore move the previous question——

The SPEAKER. The gentleman can not move the previous question. The question is, Shall the rules be suspended, this bill taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked for? [After the question was put.] Two-thirds having voted therefor——

Mr. HARDWICK. Division, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HARDWICK. I demanded a division.

The House divided; and there were—ayes 164, noes 26.

Mr. BORLAND. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. Evidently there is a quorum present. [Applause.] Two-thirds having voted in favor thereof, the rules are suspended and the motion is agreed to.

Mr. HARDWICK. Mr. Speaker, I offer the following motion to instruct the conferees.

Mr. BURNETT. Is not the announcement of the conferees the next thing in order?

The SPEAKER. The Chair thinks this motion, if it is going to be made, ought to be made before the conferees are appointed. The Clerk will report the motion.

The Clerk read as follows:

Resolved, That the conferees be instructed to agree to Senate amendment 196.

Mr. HARDWICK. Mr. Speaker, I ask the Clerk to read the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. Would it be in order to move to lay the motion on the table?

The SPEAKER. If the gentleman did he would lay the bill on the table, too.

Mr. AUSTIN. I do not care to make the motion.

The Clerk read as follows:

Senate amendment 196, page 34, line 20, after $5,000 insert, *"Provided*, That no contract authorized by any section of this act for the erection of buildings to be used exclusively as post offices, or for the purchase of sites for such buildings, shall be entered into, nor shall any public moneys be expended for such purpose until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum."

Mr. HARDWICK. Mr. Speaker, the House will remember that when the gentleman from Alabama [Mr. BURNETT] was recognized to make this motion that he first asked unanimous consent to disagree to the Senate amendments en bloc. I then requested the gentleman from Alabama to give to the House an opportunity to vote separately on this one Senate amendment. The gentleman being unwilling to do that at that moment, I asked him to give to the House——

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. I ask if I have not the right to control the time on this motion?

The SPEAKER. Oh, no. The gentleman from Georgia [Mr. HARDWICK] has a right to control the time.

Mr. BURNETT. I thought the one in charge of the bill had the right to control the time.

Mr. HARWICK. Not on this motion, Mr. Speaker.

The SPEAKER. Of course, the gentleman in control of the bill had a right to control it. This is an independent motion.

Mr. MANN. Of course, the gentleman from Georgia [Mr. HARDWICK] has been recognized, and hence is entitled to the time, but if he had not been recognized the gentleman from Alabama [Mr. BURNETT] was entitled to recognition, and while the motion is preferential it does not take the gentleman——

The SPEAKER. The gentleman from Alabama did not demand to be recognized.

Mr. MANN. That is true.

The SPEAKER. And the gentleman from Georgia [Mr. HARDWICK] has an hour if he wants to consume it.

Mr. HARDWICK. Now, Mr. Speaker, I want to say in the beginning to the House that I am not filibustering on this proposition, and will not consume the hour, because I am not making any captious objection. When the gentleman from Alabama [Mr. BURNETT] made a request to send this bill to conference by disagreeing to the Senate amendments en bloc, I asked him to let us have a vote then on this one Senate amendment. The amendment, I believe, would be supported by a majority on this floor if acted on independently. The gentleman was unwilling to make that concession, unwilling to give this House an opportunity to express its will in this matter. He went even further—and, of course, my criticism of the gentleman from Alabama [Mr. BURNETT] is entirely impersonal—he went even further in this matter, and would not give this House any assurance that either now or later, or at any time, a majority of this House could have its will, whatever that will might be, about this one matter. In other words, he proposed to keep this question tied up in the bill, supported by every proposition that is in it, with the cohesive force of every favored Member behind the proposition, and is not willing to give us a separate vote on this question because he did not know what would become of it, if such separate vote were had.

Now, gentlemen, what is this question? Before I go into a brief discussion of it I want to say that, personally, there is no Member of this House who would be more disadvantageously affected by agreeing to the Senate amendment than myself. I have two items in this bill, one put in by the House committee in a place where the postal receipts are $7,600 a year—my own home town. The bill was introduced, as I formerly stated, in this House by myself under a misapprehension as to what the postal receipts were. I did not expect the item to be in the bill. But it was there, and when I reported to the committee about the matter they said fairly and truthfully to me that there were many other items in the bill lower than that, and, therefore, the item ought to stay. In addition to that the Senate has put in another item in my district, where the postal receipts are about $7,900 a year. So, if the amendment of the Senate were agreed to, these two towns in my own district would probably have to wait for years before they came up to this rule and got this appropriation, if they ever got it.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. HARDWICK. Yes.

Mr. HUMPHREYS of Mississippi. About how much authorization in this bill will be eliminated if this Senate provision is carried?

Mr. HARDWICK. If the gentleman will pardon me, I will not answer that now, but in just a moment I will answer it in another part of my argument. For years I have been at least under the impression, an impression I have not hesitated to voice openly and publicly at home, that we were held down in this committee to something like $10,000 of receipts. Have not you all thought so? Has any gentleman on this floor told his people otherwise?

Mr. LANGLEY. I have, and we frequently have gone below that figure.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. To whom does the gentleman yield?

Mr. HARDWICK. I will yield to all of them in a minute.

The SPEAKER. The gentleman can not yield to all of them at once.

Mr. HARDWICK. Well, I will not yield now.

Let us see what this is. We have in this bill, as it passed, three propositions for villages of less than 1,000 population. We have half a dozen propositions where the receipts are $2,000 or $3,000 a year. We have many propositions for towns and villages with a population of 1,500 or less and with postal receipts of $4,000 or less.

Gentlemen, I say it is a dangerous proposition—dangerous to the Public Treasury in the years to come and dangerous to the individual Members of this House. What are you going to say to the people of towns of similar size and of similar postal receipts in your own districts when they demand that you join in another and far greater raid upon the Public Treasury? We ought to have a rule about this, and we ought to live up to it religiously on both sides of this Chamber.

Mr. AUSTIN. Now will it interrupt the gentleman to answer a question?

Mr. HARDWICK. It will not now.

Mr. AUSTIN. I want to ask the gentleman from Georgia if he did not introduce a bill to establish a post-office building at Sandersville, in the State of Georgia, carrying an appropriation of $60,000, where the postal receipts were only $7,666?

Mr. HARDWICK. Undoubtedly; and if the gentleman from Tennessee had been in the Chamber, attending to his duties, he would have heard my statement on that subject.

Mr. AUSTIN. I want to say that I am here oftener than the gentleman is.

The SPEAKER. The gentleman from Tennessee must not interrupt the gentleman without his consent.

Mr. HARDWICK. If the gentleman from Tennessee had heard what had preceded in my statement, he would not have asked the question. Undoubtedly I did. I thought that that town had about $10,000 postal receipts when I introduced the bill, but before your bill was passed, before it was reported, I gave information to the Committee on Public Buildings and Grounds to the effect that I had been misinformed as to the facts, and I was informed by my colleague [Mr. RODDENBERY] on the committee that there was no reason for taking this item out of the bill, because, as he said and said truly, there were many other items in the bill for buildings in towns having postal receipts far below it.

I want to say to the gentleman from Tennessee that I would not have introduced the bill in the first place, as I have written to my people at my home, if I had not been under the impression that the receipts of the post office at that town were above the limit that has been prescribed.

Mr. AUSTIN. You could have got the information from your people immediately if you had wanted to.

Mr. HARDWICK. I did; and as soon as I got the information I gave the committee the benefit of my information. The gentleman from Tennessee can lay no charge of inconsistency at my door—not truly, at least.

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

The SPEAKER. Does the gentleman yield to his colleague?

Mr. HARDWICK. Yes.

Mr. RODDENBERY. The gentleman is entirely correct in his statement that he came to me and told me that if his item was not within the rule he did not want it.

Mr. HARDWICK. Yes; I do think I said exactly that.

Mr. RODDENBERY. I say the gentleman from Georgia, my colleague, came to me after the bill was reported to the House by the committee. Immediately upon the bill being reported I went to him and interrupted him and my other colleague from Georgia [Mr. EDWARDS], as they were both sitting here, with a memorandum of what the House bill as reported contained for their districts. That was on the Saturday just before the House repaired to the Senate to attend the exercises in memory of the late Vice President Sherman. But the gentleman did then and there come to me, within a few moments——

Mr. HARDWICK. Exactly——

Mr. RODDENBERY. And advised me that there was going to be some kick, as he understood, on these small items, and I told him that he need not worry, because the committee

had adopted a number of other items that were for as small cities as his.

Mr. HARDWICK. Yes. I think I stated the facts fairly enough. Of course the formal report may have been made, but my colleague's notice was the first I had. I do not think my colleague has taken issue with my statement.

Mr. RODDENBERY. No; I do not take issue with my colleague.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. No.

The SPEAKER. The gentleman from Georgia declines to yield.

Mr. HARDWICK. My colleague [Mr. RODDENBERY] stated, and stated truly, that if this item went out of the bill there were other items that would go out, if any rule of fairness were to be applied.

Gentlemen, how can we afford to do things of this kind without expecting that our chickens will come home to roost in the years that are to follow? Are we to go naked and without defense or excuse to our constituents when requests come to us in the future for buildings for these small places?

What am I to say to my people when they point to a town in some other State or district with less than 1,000 population and less than $2,500 postal receipts and demand of me that I make an effort for them? Gentlemen, I say we must have a rule, and we must maintain it. It is not the amount of money involved in this proposition. That is not great. But the real question is not the amount involved in this bill, but it is what it will cost in all the future. It is what it will cost when the precedents are applied; it is what it will cost when this policy is carried out to which I object. Now, so far as I am concerned, I am of the opinion that for years this House has rested under the belief, on both sides of the Chamber, that you must have somewhere very close to $10,000 postal receipts before you could get a bill, and I did not know until the very day the committee reported this bill that there was to be in it any deviation from the former course.

Mr. MANN. Mr. Chairman, I am not very well posted on public building bills. Is the gentleman able to tell me whether if this amendment prevails, it will prevent the construction of a public building at the birthplace of Abraham Lincoln?

Mr. HARDWICK. I should not have expected that question from the gentleman from Illinois.

Mr. MANN. It is a sincere question.

Mr. HARDWICK. It is a question based on impracticable reasons, based on no argument whatever, and based, I will say—I have no desire to offend——

Mr. MANN. If the gentleman does not wish to answer the question, he can say so.

Mr. HARDWICK. I have given it the only answer it merits.

Mr. MANN. My questions are fully as sensible as the gentleman's answers.

Mr. HARDWICK. Of course, that is a matter of opinion.

Mr. MANN. I will take the sense of the House on it.

Mr. HARDWICK. This is a very safe matter for you to take it on.

Mr. DIES. I wish to ask the gentleman if the Committee on Public Buildings and Grounds did not send out a circular to the Members of the House at the time of the making up of this bill, and the one of two years ago, in which they advised the membership of the House that they would not consider any bill unless the postal receipts at the town were $10,000? And did not many of the Members rely upon that and refrain from introducing bills for that reason?

Mr. HARDWICK. I do not know certain, but I am informed that that is the fact.

Mr. BARNHART. Will the gentleman yield?

Mr. HARDWICK. I can not yield at present. Now, Mr. Speaker, let this committee live up to its own rule. Let us stand where it has stood in the past. In all conscience that limit was low enough then. In the interest of the public service and of the people of the United States, and of the Public Treasury that some of these gentlemen are so accustomed to refer to and are so loud-mouthed in defending, it is time to call a halt on this thing.

Now, I want to say that the Senate amendment is nothing but what, according to my friend from Texas, the committee notified us we could expect at their hands. The Senate amendment is nothing but what, according to common understanding in this House,. has been the rule for many years. The Senate amendment is nothing but right and justice to the people of every district in the United States and to the people of the whole United States and to the Public Treasury.

I now yield five minutes to the gentleman from Massachusetts [Mr. GARDNER] and reserve the remainder of my time.

Mr. GARDNER of Massachusetts. Mr. Speaker, I refuse to stay bought any longer. I voted for this bill when it went through the House the other day, and I am afraid my motive was that it carried an appropriation for Newburyport, Mass. I did not know until I read the RECORD the next morning how thoroughly bad this bill is. Until then I did not know how much has been done that never before has been done in this House, so far as I know. Why, the RECORD shows a list of 24 towns in which post office sites are to be bought where the receipts do not begin to approach $10,000.

Mr. Speaker, I am serving my eleventh year in this House. Never in that time has my district received in any single public-building bill more than a single site or else a single building to be erected on a site already acquired. In fact, I had always supposed that it was contrary to the rules of the Committee on Public Buildings and Grounds to report more than a single site or a single building at a time for any one congressional district. I never secured more than that—either a site or else a building to put on a site already obtained. But I find that in this bill a member of this committee has got, not one site *or* one building, but two sites *and* two buildings. That is what a member of the committee has in this bill. Now, Mr. Speaker, the gentleman's two buildings will not be affected by the Senate amendment. The building in my district will not be affected.

When I spoke a little while ago I had in mind to do the very thing which the gentleman from Georgia [Mr. HARDWICK] has done—that is, to move to instruct these conferees to agree to this Senate amendment. If the conferees throw out the amendment, every Member of this House who represents a small town will speedily find himself in trouble. Every small town in his constituency is going to show him this list of favored small towns, which can be found in the RECORD. With the provisions of this bill as a precedent, towns which have no need of a public building will not hesitate to claim one.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to 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, 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. GAMBLE, Mr. CLAPP, and Mr. STONE as the conferees on the part of the Senate.

PUBLIC BUILDINGS BILL.

Mr. HARDWICK. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote for the motion, and I want to make one practical suggestion to the membership in reference to it. Laying aside for the moment the question of the merits, it is my deliberate judgment, and I believe it must be the judgment of every other Member of this House who reflects upon it, that unless the motion be adopted this public building bill, with so many meritorious projects in it, will never be spread upon the statute books at all at this session. Now, the merits, whatever they may be, of these buildings in cities having less than $10,000 postal receipts a year may be doubtful enough, I submit, to jeopardize and, in fact, in my opinion, destroy the many projects whose merit is beyond question.

Now, Mr. Speaker, there can be no hardship, there can be no unfairness, in adopting this motion, because, as has been repeatedly said, the committee has made the general rule that no buildings will be considered where the receipts are less than $10,000, and, therefore, although there may be some meritorious projects having less receipts, every Member of this House was given to understand in the first instance that he could not secure a building for his district unless the receipts exceeded that amount.

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama [Mr. BURNETT].

The SPEAKER. The gentleman from Alabama is recognized for 30 minutes.

Mr. BURNETT. Mr. Speaker, it is strange if the gentleman really wants the fair thing in this proposition when he comes in and undertakes to cut off the country towns with little projects, and never lifts his voice one minute against the $9,000,000 of this proposition that is involved in this city here. Not a word does he say in regard to that.

Now, gentlemen, I have only $18,000 in this bill. If it is defeated, so far as I am personally concerned my people would suffer little. But I have worked month after month, day and night, for the purpose of taking care of the interest of gentlemen whose bills were involved, and now I ask you not to pass a vote of disapproval of the men who are to serve on the conference committee. [Applause.]

If the bill is defeated, I suffer but little. It was in our hands for six or eight or nine months, and we believed we fairly protected your interests then. There are no propositions in it where the receipts are under $10,000, except in some cases where there are places that have not reached quite so large an amount, but they are growing towns. We believe that the conferees can work out some kind of a proposition that will prevent the committee ever having any trouble in the future, and at the same time do justice to the men who have propositions in this bill; and I ask you to vote down this unjust and unfair motion made by the gentleman a few moments ago. I now yield five minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, I want to offer you the suggestion that the men who will act as conferees from this committee are men whom I believe you can trust to secure a disposition of the Senate amendments to this bill that will be satisfactory to the House. If not, if this can not be done, it seems to me that it will then be time enough for the House to defeat the entire proposition.

As a member of the committee I will agree to say to you that if the conferees can get nothing better from the Senate than what they have offered in this bill, I will vote "No."

The rule that we sent out to the Members of the House provided, if you will look at it again, not that there would be no buildings of any kind considered that had postal receipts of less than $10,000, but the committee did provide that no city with less than $10,000 postal receipts should have a building authorized. There are buildings authorized in this bill where they have mine rescue stations of great importance to public welfare. Some cities of considerable population are not nearly so needful of a public building as much smaller ones, and some projects both small and large are in this bill which ought not to be there, but population and postal receipts are no safe criterions of need of Government buildings in all instances.

There are buildings authorized here in the amount of $90,000 in cities where they have Federal courts, where they have revenue offices and land offices, but where the population is limited. Some of them are of very much importance and some of them are in places where it is practically impossible to rent suitable buildings. The great objection to this bill does not come from the men on the floor of this House who represent small cities and deserving localities in the United States, but it comes from men in the big cities like New York and Chicago and Philadelphia, who have their Government buildings already. They are the ones who are holding up their hands in holy protest that the people outside the big cities shall not have the benefit of any of the revenues they have been paying in for all of these years. [Applause.] I agree with the general aim of the Senate amendment directing that no city with less than $10,000 postal receipts shall have a Government building, but it will do it no harm to refer the entire bill to a conference and then adopt or reject the conference report when it comes back to us.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I have had the honor to be connected with the Committee on Public Buildings and Grounds for a long number of years, and I have had to make up four different public building bills; a record, if I do say it myself, that has not been equaled in the history of the country. Therefore, I speak not only with some degree of experience but, being no longer a member of the committee, also in a spirit of absolute impartiality. I know what it means to make up a public building bill. I know what the pressure is from the membership and all sections of the country, and while during our administration we have enforced the rule not to give a public building to any town with less than $10,000 postal receipts, there were very frequently arguments made the justice of which would appeal to the committee and which induced them to deviate from that rule. If you make a hard and fast rule, the result will be that there will be a discrimination in favor of certain sections of the country as against one other section of the country. It was shown to me while I was chairman of the committee that if you make that kind of a rule the South will surely not get a fair share of the public-building appropriations, for the simple reason that they have not the number of towns at the present time which could be recognized under such rule. Yet the committee always wishes to be fair and recognize all sections equally, if possible, and that accounts for the few exceptions which always creep into such a bill.

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

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, the last apportionment put a new county into my district. When I went over to that county making a canvass last fall, there was pointed out to me a hole in the ground at the corner of a street in the village of Waterloo. This history of it was given to me. It was said that five years ago Mr. Fassett, who represented that district, obtained an authorization to purchase a site for a public building in Waterloo, in the county of Seneca. When they came to purchase the site the authorization was found not to be sufficient to cover it. In the next public building bill three years ago the authorization was increased sufficiently to purchase the site. The Government has owned that site for over two years. A fire one day destroyed the building that was on it and there was left an unsightly corner in the middle of the town. When I reached the town last fall my attention was called to it, and when I addressed my constituents some gentleman asked me what about the public building for that town. I told them that I had noticed that hole in the ground at the corner of the street, and that I thought that if there was to be a public building bill at this session of Congress I would be able to get an appropriation to fill up the hole, whether they elected me to Congress or not. If this motion be adopted, I am quite sure that I would fail in getting any appropriation, for I think the receipts would not amount to quite $10,000 a year. There are about 5,000 inhabitants. It is a flourishing manufacturing town. To adopt the amendment of the Senate might cut those poor people out of the public building that they have been waiting for for years and they would have to wait several years longer. The hard and fast rule which my friend from Georgia [Mr. HARDWICK] asks in this case would cut those people out. This shows that the Building Committee has been authorizing sites in towns where the receipts were less than $10,000 a year. They have been holding out this hope to these people, and they ought not to be disappointed.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BURNETT. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I am opposed to the resolution offered by my distinguished colleague, Mr. HARDWICK. Personally, I have for him and his ability the highest regard. I think he is sincere in his position. If this amendment be adopted it will cast a reflection upon the representatives of this committee who are to be the conferees of the House. I believe that in all these matters the gentlemen who are to represent this body as conferees can be trusted, and I think it has come to a pretty pass in the history of the House of Representatives if we can not trust the Members of this House as conferees.

The trouble with this whole matter is that the great amount of money authorized in this bill is not taken up by the small towns, the towns under $10,000 postal receipts, which would be affected by this proposed amendment. But the great bulk of this money goes to the large cities of the country. It is for towns under $10,000 of postal receipts in whose behalf I raise my voice to-day. There are several towns in the State of Georgia that would be materially affected and would be denied the right of having public buildings if this goes into effect, while millions go in the bill for the large cities. The District of Columbia receives something like $8,000,000 in this bill and the city of New York something like $3,000,000 for a site alone. I tell you it would be hard to explain to the people of this country and to our constituents in the various growing towns in our districts why we have permitted this amendment to be passed fixing the amount at $10,000 before a public building will be allowed. In the district I represent there are several towns the postal receipts of which are near to the $10,000 mark. We can not explain to the people in such towns why it is that we have folded our hands and consented that this amendment pass the House cutting them out when millions of dollars are going to the larger cities of the country.

The SPEAKER. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I am perfectly willing to admit that the chief reason why I am opposed to this resolution is that the amendment which it seeks to force the House conferees to accede to would deprive my district of the recognition which

I think it deserves and which it received in the House bill—a district which has not a single public building in it, although it is one of the richest in resources that we have in Kentucky, and will soon have many cities with more than $10,000 annual postal receipts. But there is another reason. There is a provision in it for Hodgenville. It has less than that amount of receipts, and it would be cut out if this resolution is adopted. Hodgenville was the birthplace of the immortal Lincoln. [Applause.] When my colleague, Mr. CANTRILL, called attention to that fact the other day and gave that as a reason for including it in the bill, he was greeted with enthusiastic applause, showing that the House approved what he said. Mr. Speaker, we revere the memory of Lincoln in Kentucky, and aside from any selfish interest I have as the Representative of my district in this bill as it passed the House, I, as a Kentuckian, protest against the adoption of the resolution. [Applause.]

Mr. BURNETT. Mr. Speaker, I yield the rest of my time to the gentleman from Florida [Mr. CLARK].

The SPEAKER. The gentleman has 14 minutes.

Mr. CLARK of Florida. Mr. Speaker, we have heard a great deal in the last few weeks about economy, and there has been a great deal said by certain alleged economists and certain yellow journals in this country about what they are pleased to term "the pork-barrel bill." Mr. Speaker, it is just as necessary for the conduct of the business of the country that the Government should construct post offices, courthouses, and customhouses as it is that the Government should have officials to transact its business. It is just as necessary, just as essential, to rural communities that post offices and customhouses be constructed as it is essential to the beautification of the city of Washington that great marble palaces should be erected here. It seems to me that some gentlemen here have suddenly grown virtuous upon this question, and they speak of this bill and some few items contained in it as though it were something new under the sun in public-building bill legislation. I want to say, Mr. Speaker, that if gentlemen who were Members of this House in 1910 voted for the public-buildings bill in that year, they voted for an item of $50,000 for Uvalde, Tex., where there were less than $10,000 of receipts. They voted for one at Springfield, Tenn., for $45,000, where the receipts were a little over $7,000 a year.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. CLARK of Florida. I do.

Mr. BARTHOLDT. I merely want to say, in justice to the House committee, that those items were inserted on the Senate side.

Mr. CLARK of Florida. Well, does the gentleman mean to say all were inserted on the Senate side?

Mr. BARTHOLDT. As the bill passed here we had no items for less than $10,000 receipts.

Mr. CLARK of Florida. But the House voted for the bill afterwards with those items in it. And if gentlemen will examine the bill which was passed in 1908 they will find that they voted for a $60,000 appropriation for the construction of a building at Bardstown, Ky., where the receipts were a little over $5,000 a year, and if they will examine the bills for 1906 and for 1904, I think, or 1902, they will find like items of a similar kind running all the way through them and it is no new departure as far as the drafting of public building bills is concerned.

Mr. CALLAWAY. Will the gentleman yield?

Mr. CLARK of Florida. For a question, yes.

Mr. CALLAWAY. Is it not a fact that this committee instructed the Members of the House at the beginning of this Congress that no building would be granted for any town where the receipts did not amount to approximately $10,000, and that no more than one building would be granted to any single person?

Mr. CLARK of Florida. I do not think, Mr. Speaker, that the committee sent out any such instructions. I think it was the general understanding, and it was the rule adopted by the committee, that so far as public buildings for post offices only were concerned, we would hold authorizations down to those having $10,000 of postal receipts or more, this rule not applying to places where there were some other Government offices, such as courthouses or internal-revenue offices or customhouses or something of that character.

But that was not a hard-and-fast rule, and the committee operated upon this line of thought, Mr. Speaker, in the drafting of this bill. We would frequently find a town where the receipts were approximating $10,000 at the end of the last fiscal year. We frequently, where the town showed evidences of growing, got the postal receipts for the last two quarters, and if they demonstrated that the town was growing at such a rate and the postal receipts were increasing at such a rate as that in all human probability before this money could become available they would have reached the limit, in a number of cases of that kind the committee approved the item.

Mr. GARDNER of Massachusetts. Will the gentleman yield? Do those remarks of the gentleman apply to Newcastle, Wyo., whose population is 975 and whose postal receipts are $3,973?

Mr. CLARK of Florida. Now, Mr. Speaker, when that matter was before this House recently I referred particularly to Newcastle, Wyo., and I made the statement that we had authentic information, which the committee accepted as true, the same being the statement of the Member from Wyoming, that the population of that town at this time approached 1,900 people and the postal receipts had vastly increased, and, in addition to the post office, they had a land office at Newcastle. And upon these grounds we put the item in the bill. Now, Mr. Speaker——

Mr. GARDNER of Massachusetts. Will the gentleman yield once more?

Mr. CLARK of Florida. Not now; I have not the time. If the gentleman has any quarrel as to Newcastle let him confer with the gentleman from Wyoming [Mr. MONDELL]. I am willing to take his word here or before the committee or elsewhere.

It is proposed by this amendment to do what? I want to address myself to that for a moment or two. It is proposed to send the conferees into conference with their hands in a measure tied. I do not believe there is a single member of the Committee on Public Buildings and Grounds in this House but that is in favor of a conservative line being drawn somewhere, but, Mr. Speaker, if you send us to the conference committee with this item agreed to, our hands will be tied so far as that is concerned, and we will be powerless to concede something in exchange for some concession on the part of the Senate conferees. The conferees of this House ought to go into that conference absolutely free to meet these gentlemen in such conference and to talk over these matters of difference and see if some line can not be found, or some plane, upon which our minds can meet, and bring back into this House and into the Senate a bill that will meet the judgment of this House and of the Senate.

Mr. JAMES. Will the gentleman yield?

Mr. CLARK of Florida. I yield.

Mr. JAMES. I would like to direct the attention of the gentleman from Florida to the indefiniteness of the amendment proposed by the Senate. It says:

Provided, That no contract authorized by any section of this act for the erection of buildings to be used exclusively as post offices, or for the purchase of sites for such buildings, shall be entered into, nor shall any public moneys be expended for such purpose until the receipts of such post office for which any such building or site is intended shall amount to more than $10,000 per annum.

Now, suppose the receipts of a post office for the last fiscal year were $10,100, would that entitle that town to the erection of a building if the receipts fell for the next fiscal year to $9,995?

Mr. LANGLEY. Which frequently happens.

Mr. JAMES. Which frequently happens.

Mr. CLARK of Florida. Surely, they vary; there is no question about that.

Mr. JAMES. And heretofore, I will say to the gentleman from Florida [Mr. CLARK], these bills have been predicated upon what the receipts were for the last fiscal year, and this amendment puts the whole proposition up in the air. No man can be certain as to what its intent or purpose is, as to whether it applies to the receipts for the last fiscal year or whether it shall apply to the receipts for the next fiscal year or to the fiscal year when the appropriation is made.

Mr. CLARK of Florida. I think the gentleman states the situation exactly. And I want to add to that: Who is to determine whether the receipts are over $10,000 or not, and upon whose motion is the machinery to be put in action to get a building? Are you to leave it to the Secretary of the Treasury, and whenever the reports of the post office show that the receipts are over $10,000, then is he to have the power to order the construction of a building? How are you going to get at it?

Mr. HARDWICK. Will the gentleman yield?

Mr. CLARK of Florida. I can not yield for a speech.

Mr. CULLOP. Will the gentleman yield?

Mr. HARDWICK. I do not wish the gentleman to yield for a speech. Will he yield for a question?

Mr. CULLOP. The gentleman says the building in Wyoming is to be used as a land office as well as a post office, and this amendment does not apply to that at all. It is excluded by the language.

Mr. LANGLEY. Just one question.

Mr. CLARK of Florida. Just one question.

Mr. LANGLEY. Is it not a fact that under that construction of this proposed amendment, which my colleague [Mr. JAMES] has pointed out, if a site should be purchased after the receipts become more than $10,000, and the receipts should then fall below that figure, the Government could not go ahead with the building, but the site would be there, owned by the Government, without a building on it, and with the Government's money tied up in it, serving no useful purpose?

Mr. CLARK of Florida. That is undoubtedly correct. Now, I want to say this, Mr. Speaker, in conclusion. This bill was drawn with the utmost care after the most painstaking labor on the part of all the members of this committee.

I think the committee has done its duty as well as it could under the circumstances, and if our conferees can go into this conference unhampered and untied I believe we shall be able to bring a report back here which will commend itself to the judgment of this House and will meet its approval. [Applause.]

Mr. Speaker, I demand the previous question on the motion.

The SPEAKER. The gentleman from Florida [Mr. CLARK] moves the previous question.

The previous question was ordered.

Mr. SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. HARDWICK] to instruct the conferees.

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

Mr. HARDWICK. A division, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] demands a division, and the gentleman from New York [Mr. FITZGERALD] raises the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twelve gentlemen are present—a quorum. The noes have it, and the motion to instruct——

Mr. HARDWICK. Mr. Speaker, I demanded a division. I was on my feet.

The SPEAKER. That is true. Those in favor of the motion will rise and stand until they are counted.

Mr. HARDWICK. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Georgia [Mr. HARDWICK] withdraws his demand for a division and demands the yeas and nays. The Chair will count. Those in favor of taking the vote by the yeas and nays will rise in their places and stand until they are counted. [After counting.] Forty-three gentlemen have risen.

Mr. JAMES. The other side, Mr. Speaker.

The SPEAKER. The other side is demanded. Those opposed will rise and stand until they are counted. [After counting.] One hundred and forty-nine gentlemen in the negative. Forty-three are enough to order the yeas and nays. The Clerk will call the roll. Those in favor of the Hardwick instruction will vote "yea" and those opposed will vote "nay" when their names are called.

The question was taken; and there were—yeas 86, nays 190, answered "present" 4, not voting 101, as follows:

YEAS—86.

Alexander	Donohoe	Kent	Redfield
Allen	Doremus	Kinkead, N. J.	Rees
Anderson	Driscoll, D. A.	Kitchin	Sabath
Bartlett	Esch	Konop	Saunders
Bathrick	Evans	Kopp	Sharp
Beall, Tex.	Fitzgerald	Lenroot	Sherwood
Booher	Foss	Levy	Sisson
Borland	Foster	Lloyd	Smith, N. Y.
Buchanan	Fowler	Lobeck	Smith, Tex.
Bulkley	Gallagher	McCreary	Stephens, Cal.
Burke, Wis.	Gardner, Mass.	Macon	Stephens, Miss.
Callaway	Garner	Madden	Stephens, Tex.
Cline	Garrett	Morrison	Thayer
Collier	Gill	Murray	Tuttle
Cooper	Gray	Needham	Weeks
Cullop	Hammond	Neeley	Whitacre
Curley	Hardwick	Norris	Wilson, Pa.
Daugherty	Hayden	Oldfield	Witherspoon
Davis, W. Va.	Hayes	Page	Young, Kans.
Dies	Howland	Peters	Young, Tex.
Difenderfer	Humphrey, Wash.	Rainey	
Dixon, Ind.	Humphreys, Miss.	Raker	

NAYS—190.

Adair	Burke, S. Dak.	Crago	Dupré
Aiken, S. C.	Burnett	Cravens	Dwight
Ainey	Butler	Crumpacker	Dyer
Akin, N. Y.	Byrnes, S. C.	Currier	Edwards
Ashbrook	Byrns, Tenn.	Dalzell	Ellerbe
Austin	Calder	Davis, Minn.	Estopinal
Barnhart	Cannon	De Forest	Fairchild
Bartholdt	Cantrill	Dent	Faison
Bates	Carlin	Denver	Farr
Bell, Ga.	Cary	Dickinson	Fergusson
Blackmon	Clark, Fla.	Dodds	Fields
Boehne	Claypool	Doughton	Finley
Browning	Clayton	Draper	Flood, Va.
Burke, Pa.	Cox	Driscoll, M. E.	Floyd, Ark.
Focht	Houston	Miller	Sloan
Fordney	Howell	Mondell	Small
Fornes	Jacoway	Moon, Tenn.	Smith, Saml. W.
Francis	James	Morgan, La.	Speer
French	Johnson, Ky.	Mott	Stanley
Gardner, N. J.	Jones	Murdock	Stedman
Glass	Kendall	Nye	Steenerson
Goeke	Kennedy	Olmsted	Stephens, Nebr.
Good	Kindred	Padgett	Sterling
Goodwin, Ark.	Kinkaid, Nebr.	Patton, Pa.	Stone
Graham	Knowland	Payne	Switzer
Green, Iowa	Konig	Pepper	Taggart
Greene, Mass.	Lafferty	Plumley	Talcott, N. Y.
Gregg, Pa.	La Follette	Porter	Taylor, Ark.
Gregg, Tex.	Langham	Post	Taylor, Colo.
Griest	Langley	Pou	Thomas
Gudger	Lee, Ga.	Powers	Tilson
Guernsey	Lee, Pa.	Pray	Towner
Hamilton, Mich.	Lever	Prouty	Townsend
Harrison, Miss.	Lindbergh	Randell, Tex.	Tribble
Hart	Linthicum	Reilly	Turnbull
Hartman	Littlepage	Richardson	Underhill
Hawley	McCoy	Roberts, Mass.	Underwood
Hay	McDermott	Roberts, Nev.	Vare
Heald	McGillicuddy	Roddenbery	Volstead
Heflin	McKellar	Rodenberg	Warburton
Helgesen	McKinley	Rothermel	Watkins
Helm	McLaughlin	Rouse	Webb
Henry, Conn.	McMorran	Rubey	Wilder
Henry, Tex.	Maguire, Nebr.	Russell	Willis
Hensley	Mann	Scott	Woods, Iowa
Higgins	Martin, Colo.	Shackleford	Young, Mich.
Hobson	Matthews	Simmons	
Holland	Merritt	Slemp	

ANSWERED "PRESENT"—4.

Adamson	Andrus	Hill	Nelson

NOT VOTING—101.

Ames	Gillett	Littleton	Riordan
Ansberry	Godwin, N. C.	Longworth	Rucker, Colo.
Anthony	Goldfogle	Loud	Rucker, Mo.
Ayres	Gould	McCall	Scully
Barchfeld	Greene, Vt.	McGuire, Okla.	Sells
Berger	Hamill	McKenzie	Sherley
Bradley	Hamilton, W. Va.	McKinney	Sims
Brantley	Hamlin	Maher	Slayden
Broussard	Hardy	Martin, S. Dak.	Smith, J. M. C.
Brown	Harris	Mays	Sparkman
Burgess	Harrison, N. Y.	Moon, Pa.	Stack
Burleson	Haugen	Moore, Pa.	Stevens, Minn.
Campbell	Hinds	Moore, Tex.	Sulloway
Candler	Howard	Morgan, Okla.	Sweet
Carter	Hughes, Ga.	Morse, Wis.	Talbott, Md.
Conry	Hughes, W. Va.	Moss, Ind.	Taylor, Ala.
Copley	Hull	O'Shaunessy	Taylor, Ohio
Covington	Jackson	Palmer	Thistlewood
Curry	Johnson, S. C.	Parran	Vreeland
Danforth	Kahn	Patten, N. Y.	White
Davenport	Korbly	Pickett	Wilson, Ill.
Davidson	Lafean	Prince	Wilson, N. Y.
Dickson, Miss.	Lamb	Pujo	Wood, N. J.
Ferris	Lawrence	Ransdell, La.	
Fuller	Lewis	Rauch	
George	Lindsay	Reyburn	

So the motion was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. PALMER with Mr. HILL.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. FORNES with Mr. BRADLEY.

Until further notice:

Mr. SCULLY with Mr. BARCHFELD.

Mr. WHITE with Mr. WOOD of New Jersey.

Mr. SIMS with Mr. WILSON of Illinois.

Mr. RUCKER of Colorado with Mr. REYBURN.

Mr. RAUCH with Mr. SELLS.

Mr. RUCKER of Missouri with Mr. VREELAND.

Mr. O'SHAUNESSY with Mr. SULLOWAY.

Mr. MOSS of Indiana with Mr. MOORE of Pennsylvania.

Mr. PUJO with Mr. MARTIN of South Dakota.

Mr. LEWIS with Mr. MCKENZIE.

Mr. HULL with Mr. LOUD.

Mr. HOWARD with Mr. LAWRENCE.

Mr. HARRISON of New York with Mr. KAHN.

Mr. HARDY with Mr. PICKETT.

Mr. HAMLIN with Mr. HAUGEN.

Mr. SHERLEY with Mr. LONGWORTH.

Mr. GOLDFOGLE with Mr. MCGUIRE of Oklahoma.

Mr. HUGHES of Georgia with Mr. GREENE of Vermont.

Mr. COVINGTON with Mr. FULLER.

Mr. CARTER with Mr. COPLEY.

Mr. BURLESON with Mr. CAMPBELL.

Mr. BURGESS with Mr. ANTHONY.

Mr. BRANTLEY with Mr. AMES.

Mr. ADAMSON. Mr. Speaker, did the gentleman from Minnesota, Mr. STEVENS, vote?

The SPEAKER. He did not.

Mr. ADAMSON. I should like to withdraw my vote and answer "present."

Mr. LAMB. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. LAMB. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. LAMB. I was in the cloakroom.

The SPEAKER. That does not count.

The result of the vote was announced as above recorded, and the Speaker announced as conferees on the part of the House Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill H. R. 27148, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title 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 SPEAKER. The gentleman from Tennessee moves to suspend the rules, take from the Speaker's table the Post Office appropriation bill, disagree to all the Senate amendments, and ask for a conference. Is a second demanded?

Mr. MURDOCK. I demand a second.

Mr. MOON of Tennessee. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas demands a second, and the gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Mr. Speaker, I do not desire to discuss this motion now. I shall be glad to hear gentlemen who have objections to it. I reserve my time.

The SPEAKER. The gentleman from Tennessee reserves his time. The gentleman from Kansas is entitled to 20 minutes.

Mr. MURDOCK. Mr. Speaker, I desire to get, if I can, a separate vote on two Senate amendments to this bill. These two amendments increase the pay of the railroads for carrying the mails between $12,000,000 and $13,000,000.

Mr. CANNON. What are the numbers of the amendments?

Mr. MURDOCK. I have not the numbers, because I have not the latest print. I will describe the amendments, however. One provides for a special weighing of the mails. From estimates submitted to the Senate that will result in an increase in the railway mail pay of $9,857,000.

Mr. MANN. That is amendment 26.

Mr. MURDOCK. The second amendment authorizes the Postmaster General to rent quarters at terminal stations and to pay rental for post-office cars standing at terminal stations. This is an absolute departure in the system of railway mail pay. No one can say precisely how much the second item will ultimately increase the total expenditure, but probably from $2,000,000 to $4,000,000. The two items together involve an increased expenditure of about $12,000,000.

Mr. MADDEN. Will my colleague on the committee yield to me?

Mr. MURDOCK. No; I will not yield at present. It is estimated that the natural increase in the weight of regular mail, shown by a special weighing, will result in an increased expenditure of $3,861,000; that the increase of weight by reason of the parcel post, which will be shown in this special weighing, will result in an increased annual expenditure of $4,011,000; and that by reason of a feature of the amendment which abandons what is known as the blue-tag system, whereby second-class mail is now sent by freight instead of regular mail service, there will be an increased expenditure of $1,485,000, and that the special weighing itself will cost an additional $500,000, making a total net increase in expenditure through this item annually of $9,857,000.

The second amendment by the Senate is particularly vicious because it does this one thing, to wit, it begins the payment of rent for the full railway post-office cars; that is, cars devoted wholly to the distribution of mail while the cars are standing at terminals. The Government at the present time pays for the carriage of the mails, first on the average daily weight of the mail carried. In addition it pays for the cars wherever the mail is transported in cars devoted wholly to the transportation of mail, that is, when 40 feet or more of space in a car is devoted to the mail.

Now, this proposition is to pay also for the use of the car when it is standing at the terminal station and before it has started out on the route. It has long been a question whether the Government ought to pay for the use of cars after paying for the transportation of the mail on the basis of weight of mail transported, but here is a third proposition, to pay for rental when the cars are standing at the terminal.

Mr. ANDERSON. If the gentleman will allow me, were the amendments recommended by the Senate committee?

Mr. MURDOCK. My recollection is that they came out of the Senate committee and were passed yesterday by the Senate.

Now, Mr. Speaker, I realize the embarrassment of this situation, because this is near the end of the legislative session. The rights of every individual in this body are secured if the legislative process through which a bill passes is carried out completely. A bill is introduced, goes to the standing committee, is reported by the committee to the House, and is referred to the Committee of the Whole House, where there is complete discussion. If an amendment is included in the bill in the Committee of the Whole, there is a right for a separate vote on the amendment when the Committee of the Whole has reported the bill and amendment to the House. The bill then goes to the Senate, is referred to the standing committee in the Senate, is reported out to the Senate with amendments, and there is a chance for Senators to have a separate vote on the amendments. Then, if the integrity of legislative process is maintained and preserved, a bill which returns to this House carrying Senate amendments should go to the standing committee of the House, be discussed there, reported back to this House, and referred to the Committee of the Whole House, and by the Committee of the Whole House reported again to the House, where a separate vote may be had on new matter and the individual may record his vote separately upon each one of the added Senate amendments. But in the last six days there may be, and there is in this instance, a suspension of the rules under which there is a break in the legislative process. The gentleman from Tennessee, chairman of the Committee on Post Offices and Post Roads, has a right to move to suspend the rules and send this bill into conference with a disagreement.

Now, the thing that I am seeking to get is a chance for the Members here to have a vote upon these two propositions. Both of them are of magnitude in proposed expenditure and both of them are of great importance.

Mr. MOON of Tennessee. What two propositions are they? I have been unable to hear anything that the gentleman has said.

Mr. MURDOCK. I have done my best.

Mr. MOON of Tennessee. I know the gentleman has, but there was so much confusion I could not hear.

Mr. MURDOCK. The amendment which provides for a special weighing of the mails, and included with that is a provision for abandoning the blue-tag system.

Mr. MOON of Tennessee. The gentleman is opposed to both amendments?

Mr. MURDOCK. I am.

Mr. MOON of Tennessee. I take it that the House is, too.

Mr. MURDOCK. And then there is a further amendment which permits the Postmaster General to pay rental for the post-office cars at terminals.

Mr. MOON of Tennessee. May I ask the gentleman what he wants to do?

Mr. MURDOCK. I would like to defeat these propositions, and I think I have a right to have a separate vote upon them. That is my desire, and I think it is legitimate.

Mr. MOON of Tennessee. Is not the gentleman willing to trust the conferees?

Mr. MURDOCK. I have every confidence in the conferees, as the gentleman knows.

Mr. MOON of Tennessee. Do you prefer that the bill should go to the committee?

Mr. MURDOCK. Yes; I would; I believe, if pushed to that point, I would like to see the bill go to the committee.

Mr. MOON of Tennessee. Then, the gentleman knows that it is not coming back to the House.

Mr. MURDOCK. If the gentleman will let me say this——

Mr. MOON of Tennessee. I want to suggest that if it goes to the committee, it will not come back to the House.

Mr. MURDOCK. My proposition is this: I am not trying to be unfair or delay the business of the House, but if this bill now goes to conference under the gentleman's motion, then at this late day in the session when the bill comes back from conference to this House, whatever agreement on these two items are included in the conference report, the gentleman knows that I can not get a separate vote on the propositions at that stage, and my only hope at this time is that I may persuade the House to vote down the amendments.

To answer the gentleman directly, the gentleman from Tennessee [Mr. MOON] says that if the Post Office bill goes to the standing committee, that will end the bill for this session. I am prepared to say that rather than to see this item of railway

mail pay increased twelve or thirteen million dollars, I would prefer to see this great appropriation bill fail. The gentleman from Tennessee and the Members of the House know that this matter of railway-mail pay, which has been in controversy for some 35 years, is at present under consideration by a special commission appointed by Congress, a commission which has been directed to go into the matter and find the truth about it, if the truth is findable. This is not a seasonable hour to bring in a new provision and new practice in the system which will increase the expenditure to this enormous total.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. GARDNER of Massachusetts. Would it not be possible to receive the assurance of the gentleman from Tennessee, if this goes to conference, that before a complete report is agreed upon he will come back to the House for further instruction on these two articles?

Mr. MURDOCK. If I could have a separate vote on the proposition at that time, that would, of course, be entirely satisfactory to me.

Mr. MOON of Tennessee. Mr. Speaker, is the gentleman from Kansas through?

Mr. MURDOCK. Mr. Speaker, I reserve the balance of my time.

Mr. FOWLER. Mr. Speaker, before the gentleman takes his seat I would like to ask him a question respecting the item of paying for cars while they are standing in terminals. Has the gentleman any means of calculating the increase that item alone would add to this bill?

Mr. MURDOCK. Not accurately, certainly. It would be enormous, inasmuch as the present expenditures for railway post-office service is some $5,000,000 a year. I ask the gentleman from Tennessee, inasmuch as the gentleman from Florida [Mr. SPARKMAN], on a former bill, went into such an agreement to expedite matters, if he will not enter into an agreement to give this House a separate vote on these matters?

Mr. MANN. Mr. Speaker, does the gentleman mean a separate vote, or a statement that the gentleman from Tennessee will not agree to the Senate amendment without giving the House a chance to consider it?

Mr. MURDOCK. That is exactly what I mean. I thank the gentleman for making the suggestion. I will ask the gentleman from Tennessee if he will not enter into that agreement. I would like to suggest to the gentleman from Tennessee that the gentleman from Florida, on a former bill, did precisely that thing, as I understand it.

Mr. MOON of Tennessee. Mr. Speaker, it seems to me that the gentleman from Kansas [Mr. MURDOCK] ought to know, and I know he does if he will reflect a moment, that we ought not to enter into any arrangement or agreement here which will leave the Senate conferees under the impression that they are not having a free and full conference with the House upon the question. I think it is well enough for the House to trust to its conferees. Speaking for myself, I would not serve this House as a conferee with the imputation that I would not stand by the will of the House on the question here involved.

Mr. MURDOCK. Mr. Speaker, the gentleman understands that I do not intend to impute that sort of thing to him, but the gentleman must know that we must have some way of determining the will of the House.

Mr. MOON of Tennessee. I understand that, but the gentleman from Kansas knows that I am not going to say anything determining the position I may take, if I were appointed a conferee, and he generally knows—he must know, as a member of that committee—that I have had as much opposition to the very things he is now speaking of as he or any other person ever had. I am not willing to go into conference with the members of the Senate upon this question with an instruction, because if the conferees are to be instructed about the matter I want somebody else to be a conferee. I am not going to attempt to carry on a conference with an instruction. On a question of this importance, one involving so much that is in entire opposition to every view that I have ever held on the question, if the position of the Senate were insisted upon, I would of necessity do one of two things, knowing the views of the House, and in honor to and to the credit of the House, would be compelled to, namely, either come back with an explanation and ask for an instruction upon the matter or assume that the judgment of the House was still what it was and not yield at all upon the matter to the Senate conferees. Yet I am not going to enter into any agreement on this question. I am not going to put myself in a position of saying any more than to express my opinion on a public question of this sort and to say to the gentleman from Kansas that if I go into that conference at all I want it to be a full and a free conference, and I want the House to trust the conferees. If the attitude of the conferees heretofore upon that question, if the position that this House has occupied heretofore is not sufficient guaranty that the conferees will do what is to the interest of the House and to the country, then I think this bill would better be sent to the committee, where the committee may consider these questions, and then let it come back into the House and the House take up the amendments and pass its own judgment upon the amendments, which would mean, of course, that there would be no bill this session.

Mr. MURDOCK. Mr. Speaker, what the gentleman from Tennessee [Mr. MOON] says in regard to my knowledge of his attitude upon the question is perfectly true, and yet I want to say to the gentleman from Tennessee in taking the attitude that he does he gives me no opportunity as a Member of this House to have a separate vote upon those propositions. It is not an unusual request, it is not an imputation upon the motives of the gentleman from Tennessee, or a lack of confidence in the conferees, but it is an attempt upon the part of a Member of this House to get a separate vote upon a proposition which otherwise he can not get.

Mr. MOON of Tennessee. Well, I will say to the gentleman from Kansas, I have said what I have said and I do not propose to make any promises about it one way or the other, and the House can vote down this proposition for all I care.

Mr. MURDOCK. My understanding of what the gentleman from Tennessee says is he can not assure us that he shall disagree to the Senate amendments and return to the House for further instructions.

Mr. MOON of Tennessee. The gentleman understands what I have said heretofore, does he not?

Mr. MURDOCK. No; I do not understand the gentleman.

Mr. MOON of Tennessee. If the gentleman was listening he would have understood me to say this: That I had as much opposition to these propositions as the gentleman has and that I believe the House has opposition to them, and that the conferees will either force the Senate to yield or bring the question to the House.

Mr. HAMILTON of Michigan. That is fair.

Mr. DYER. I do not see how he can go any further than that.

Mr. MOON of Tennessee. Mr. Speaker, I now yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, when the Post Office appropriation was under discussion in the House I called attention to an item for the maintenance of star routes, and I gave it as my opinion, from a careful study of the matter, that the appropriation was too small by about from $300,000 to $350,000. I endeavored to secure an increase. I was unable to do so. A few days after the bill passed the House I was informed by the Post Office Department that it had communicated with the chairmen of the House and Senate committees and asked for an additional appropriation of $295,000. Thereupon I took the matter up with the Senate committee by letter, knowing that the department had communicated with the committee; it was my understanding that they would provide the increase. That was not done, and unfortunately no change was made in that item in the Senate. I believe it is now beyond the power of the conferees to increase this item. In a conversation over the phone with the postal officials a short time ago they told me that without this additional appropriation they could not adequately provide for the star routes for the coming fiscal year. It means, as I said to the House at the time, that we are to be denied needed star routes, particularly in a country where star routes are practically the only country routes we have. I very greatly regret that the committee did not see fit to accept the increase then. I find it difficult to understand why the item was not increased in the Senate at the request of the department, and I do hope that the conferees will take the matter under consideration, with a view, if it is possible—I hardly see how it is possible—of granting this increased amount for these routes. It is certainly needed. The department now recognizes that the service can not be provided for without this increase, and the probability is that they will need not only the $295,000, but at least $150,000 more.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, for the first time in the last 10 minutes I have seen the amendments which the Senate proposed. I am not an expert. I used to think I was, 30 years ago, or 32 years ago, about post-office matters. It is a long time since I have had service upon that committee. The gentleman from Kansas objected to amendment No. 26, because it provides for a reweighing of the mails, as follows:

That on account of the increased weight of mails from the establishment of the parcel post the Postmaster General is authorized and directed to weigh the mails on railroad routes for not less than

30 successive working days, and to readjust compensation from the date of commencement of said weighing at not exceeding the rate provided by law.

And then that the provision of the blue-tag system, if I understand what that is, be discontinued, and instead of going upon the fast freight trains a certain class of matter, second class, I suppose, should go upon the regular mail train. Now, then, I want to say that I hold no brief for the railroads as they transport the mails, but I am just as anxious that the railroads should receive proper compensation growing out of recent legislation as I am that the Government should be protected.

Mr. MOON of Tennessee. I fully agree with the gentleman that the railroad companies and everybody else that performs services for the Government should be fully compensated, but there are now two commissions appointed to consider this and kindred questions, and we had thought that it was unwise to have the weighing until the parcel-post proposition had a little further developed and these reports had been made by this commission.

And, further, if, inasmuch as the blue-tag proposition is saving about $300,000 to the Government now, it ought not to be abolished until there was legislation looking to increase of that class of matter and to compensate the Government for carrying it. Those are the reasons that I had.

Mr. CANNON. It may be the gentleman is correct about that, and it may be it is to the interest of the railways as well as to the interests of the Government to wait until further ascertainment is had as to how much the parcel-post law will take of the express companies' business.

Mr. MADDEN. Will the gentleman yield there?

Mr. CANNON. I will yield in one moment. I want to say again, we can not afford to do injustice to the railways in their service to the Government. If the post-office cars are used as terminals, and they become terminals rather than post-office cars, that is a matter to take into consideration as well. And I want to say—and I will yield to my friend in a moment—there are hundreds of thousands of railway employees.

There is the keeping in repair of one-half of the railways of the world. There is an absolute necessity, from the growth of commercial business and other business, that there should be a wonderful expense for enlarged terminals. And if you cut the pay of the railways improperly, you render it impossible for them to furnish sufficient facilities for transportation of all commercial business, and you will render it impossible, if you do that, for them to maintain a just wage for the hundreds of thousands of employees upon the railways. So that the gentleman, being more of an expert than I am, and inasmuch as I know of nobody more intelligent and with greater integrity, I am willing to take his opinion about it. But I could not sit still until I had voiced my opinion that everybody—railroad employees, farmers, manufacturers, day laborers, and everybody are interested in seeing, with this oncoming influx of matter to be handled, that the railroads should not receive more than they are entitled to; and we are all interested from every standpoint in seeing that the railroads receive all they are entitled to.

Now I will yield to my friend from Illinois [Mr. MADDEN].

Mr. MADDEN. I do not know as there is anything left to say.

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. MURDOCK. Mr. Speaker, has my time expired?

The SPEAKER. Yes; all of it.

Mr. MURDOCK. I ask unanimous consent for a minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MURDOCK. In view of the statement of the gentleman from Tennessee [Mr. MOON] and my hope to have separate votes on this proposition in the coming remaining days of the session, I trust the House will suspend the rules and send the bill to conference.

The SPEAKER. The question is on the motion to suspend the rules, take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 8178 and agree to the conference report.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (S. 8178) to grant pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. Without objection, the Clerk will read the statement in lieu of the report.

ORDER OF BUSINESS.

Mr. MANN. Reserving the right to object, may I inquire as to the possibilities of how long the House is likely to remain in session to-night?

Mr. RUSSELL. As far as I know, it will not take more than 10 minutes to dispose of these three Senate bills.

Mr. MANN. I think it would not take any more time to-morrow morning, and probably there would not be anything else then to do.

Mr. RUSSELL. I am afraid something else would be rushed upon the House to-morrow morning—a report upon appropriation bills, or something.

Mr. MANN. There are no conference reports on appropriation bills ready, I think.

Mr. RUSSELL. It would not take more than 10 minutes to dispose of these bills.

Mr. MANN. I was trying to ascertain for the convenience of the Members.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman from Illinois [Mr. MANN] that I understand the Speaker has on his table a proposition, outside of this, as far as I am informed, the bill to create the Department of Labor, and the gentleman from Pennsylvania [Mr. WILSON] intends to move to concur in the Senate amendments. If that bill is to be passed I think it ought to be passed right away and sent to the President, so that if it becomes a law the deficiency bill can be amended in the Senate so as to take care of the new department. I hope that can be attended to to-night. The gentleman from Georgia [Mr. ADAMSON], I think, proposes to call up the bill for the physical valuation of railroads.

Mr. MANN. Is it not the intention of the gentleman from Georgia to move to agree to the Senate amendments?

Mr. UNDERWOOD. I think it is.

Mr. MANN. Then that would not need to be disposed of to-night.

Mr. UNDERWOOD. Appropriations would be needed to carry that into effect.

Mr. MANN. They have sufficient funds in the Interstate Commerce to carry on that work.

Mr. FITZGERALD. They have sufficient funds now, but they might need a deficiency in December.

Mr. MANN. That is in a different situation at this time from the new Department of Labor.

Mr. FITZGERALD. Yes; it is in a different situation from the Department of Labor.

Mr. MANN. I understand there are no conference reports and appropriation bills ready for to-morrow morning.

Mr. UNDERWOOD. There are none that I know of.

Mr. CANNON. I would be glad to see what is in these amendments to this Department of Labor bill. I would like to see them in print.

Mr. FITZGERALD. It adds the Children's Bureau to it.

Mr. MANN. The principal change in the Department of Labor bill is an amendment that takes the Children's Bureau out of the Department of Commerce and Labor and makes a separate bureau of the Children's Bureau and the Bureau of Naturalization and Immigration.

Mr. CANNON. I think it would keep the Bureau of Naturalization and Immigration busy to justify one bureau.

Mr. MANN. It is a change of title.

Mr. FITZGERALD. There is hardly any excuse for dividing those bureaus, in my opinion.

Mr. UNDERWOOD. I would like to say that if the House is willing, unless the Speaker has some other business on the table, I would like to have an opportunity to pass the physical valuation bill and this bill to-night. I do not think they will be contested, and then I think we can adjourn, if the gentlemen will not agree to let the gentleman from Missouri [Mr. RUSSELL] proceed.

The SPEAKER. The Chair will state that the gentleman from North Carolina [Mr. SMALL] has had a matter up for about 18 months, waiting to get a chance to suspend the rules, and last Monday, when there was an opportunity, he got started, but——

Mr. MANN. I think we could get along with that to-morrow without difficulty, if the gentleman from North Carolina will take it up then.

Mr. SMALL. Mr. Speaker, under the suggestion that there is no quorum present, I do not wish to ask for recognition at this time.

Mr. MANN. I did not intend to make such a suggestion, but I will do it if it will help the gentleman out. [Laughter.]

Mr. SMALL. I have been waiting, as the Speaker has stated, for 18 months past to get an opportunity to call up this bill.

Mr. MANN. I think we shall have time to-morrow to take up matters on the Unanimous Consent Calendar and the suspension business besides.

Mr. SMALL. In view of the suggestions made, Mr. Speaker, I am willing that my bill shall go over until to-morrow.

Mr. UNDERWOOD. I would like to ask the House to act upon these other two bills to-night, if it will.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania [Mr. WILSON].

DEPARTMENT OF LABOR.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 22913) to create a department of labor and agree to the Senate amendments.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Pennsylvania moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

Mr. CANDLER, by unanimous consent, was granted leave of absence for two days, on account of illness.

PHYSICAL VALUATION OF RAILROADS.

The SPEAKER laid before the House the bill (H. R. 22593) 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, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

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

The motion was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

Mr. COOPER. Mr. Speaker, I take this brief opportunity to observe that the changes in public opinion and in political conduct in this Republic are sometimes very wonderful. In 1908—only four years ago—in the Republican national convention at Chicago, I presented a platform containing, among other things, a plank calling for the physical valuation of railroads. On this plank I demanded and secured a separate vote. The plank met with shouts of "Take it to Denver," "Socialist," and other evidences of disfavor, and received less than 30 votes out of a total of about 1,000. And yet we have just seen a bill calling for the physical valuation of railroads pass this House by a unanimous vote. [Applause.]

ADULTERATED AND MISBRANDED GOODS.

Mr. COVINGTON. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the House agreed to the conference report last night on the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded and poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

Mr. COVINGTON. Now, Mr. Speaker, I ask unanimous consent to withdraw the conference report.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 28607. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6176. An act for the relief of Gibbes Lykes; and

S. 7385. An act to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 27827. An act to amend section 70 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ADJOURNMENT.

Mr UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Friday, February 28, 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 War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Salem River, N. J. (H. Doc. No 1436); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting deficiency estimate of an appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1914 (H. Doc. No. 1438); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Big Marco Pass and Harbor at Marco, Fla. (H. Doc. No. 1437); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. REDFIELD, from the Committee on the District of Columbia, submitted a report (No. 1581) of the subcommittee of the Committee on the District of Columbia, together with the views of the minority, appointed under House resolution 756, to investigate the Commercial Fire Insurance Co. et al., which reports were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, submitted a report (No. 1580) of the subcommittee of the Committee on the District of Columbia relative to interest on the 3.65 bonds of the District of Columbia, which was referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 8536) to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota, reported the same without amendment, accompanied by a report (No. 1583), which said bill and report were referred to the House Calendar.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill (S. 8439) 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, reported the same without amendment, accompanied by a report (No. 1584), which said bill and report were referred to the House Calendar.

Mr. TALBOTT of Maryland, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted a report (No. 1582) on the files and papers described in the report of the Secretary of the Interior in House Document No. 1307, and in the report of the Secretary of War in House Document No. 1335, and in the report of the Acting Secretary of Commerce and Labor in House Document No. 1337.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 406) stopping traffic and preventing interference with the suffrage procession; to the Committee on the District of Columbia.

By Mr. DAVIS of West Virginia: Resolution (H. Res. 871) authorizing the payment of a certain sum of money to Drusilla Garden, executrix of A. P. Garden; to the Committee on Accounts.

PETITIONS, ETC.

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

By the SPEAKER (by request): Petition of the board of estimate and apportionment of the city of New York, favoring the passage of Senate bill 4978, providing for the extension to the time for the construction of the proposed bridge over the Hudson River from the State of New Jersey to the city of New York; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: Petition of citizens of Rushford, Minn., favoring the passage of legislation compelling concerns selling goods direct to the consumer by mail to contribute their portion of the fund for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. BATES: Petition of the Henry Shenk Co., the Manufacturers' Association of Erie, the Ball Engine Co., the Reid Manufacturing Co., the Dunn Brick Works, the Griffin Manufacturing Co., the Modern Tool Co., and the Griswold Manufacturing Co., all of Erie, Pa., protesting against the passage of the Hamill amendment to the sundry civil appropriation bill making an appropriation for the enforcement of the antitrust laws, and providing that it shall not be used against individual or combinations striking for higher wages, etc.; to the Committee on Appropriations.

Also, petition of the P. Minnig Co., Jacob Haller, and C. A. Curtze, Erie, Pa., favoring the passage of the Gould bill on weights and measures without the Senate amendments; to the Committee on Coinage, Weights, and Measures.

By Mr. BURKE of Wisconsin: Petition of Mrs. F. D. Bentley and 25 other members of the Golden Gossip Club, Portage, Wis., favoring the passage of Senate bill 6497, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. BUTLER: Petition of the voters of Swarthmore, Pa., and the Trinity Presbyterian Church, Philadelphia, Pa., favoring the passage of the Kenyon "red-light" injunction bill for the cleaning up of Washington for the inauguration; to the Committee on the District of Columbia.

By Mr. FORNES: Petition of the National Federation of German-American Catholics, New York, N. Y., favoring the passage of House bill 27281, providing for the passage of an eight-hour law for the women of the District of Columbia; to the Committee on Labor.

Also, petition of the owners of grain elevators in the port of Buffalo, N. Y., protesting against the passage of House bill 28180, carrying with it a provision for the survey of the Buffalo Harbor to secure a channel from the outer harbor to connect with the Buffalo River at or near Louisiana Street; to the Committee on Rivers and Harbors.

Also, petition of the governor of New York State and others, protesting against the passage of the bill providing for the regulation and control of the waters of the Niagara River; to the Committee on Foreign Affairs.

Also, petition of the National Liquor League of the United States of America, New York, N. Y., favoring the passage of legislation to eliminate the clause in the appropriation bill providing an appropriation of $5,000 to send delegates to the International Congress on Alcoholism; to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: Petition of citizens of Haverhill, Mass., protesting against the passage of the Root bill for repealing the free-tolls portion of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry wage earners of Lawrence, Mass., favoring the passage of legislation for the continuing of tariff on American industries sufficient to protect the employment and scale of wages of the American working people against foreign competition; to the Committee on Ways and Means.

By Mr. FRANCIS: Petition of sundry negro citizens of the State of Ohio, protesting against the passage of the legislation making it unlawful for any society or fraternal order to hereafter adopt and send or receive through mail any word or title or the name of any animal or bird that is already being used as part of its title or name by any fraternal order, society, or association; to the Committee on the Post Office and Post Roads.

By Mr. GOULD: Petition of the Madison Sorosis Club, Madison, Me., protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

By Mr. LA FOLLETTE: Petition of the staff and other employees of the Washington Sanitarium and the faculty and students of the Washington Foreign Missionary Society, Washington, D. C., all favoring the passage of the Jones-Works bill for the regulation of the liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LEVY: Petition of owners of grain elevators, Buffalo, N. Y., protesting against the passage of the provision in House bill 28180 providing for the survey of the Buffalo Harbor to secure a channel from the outer harbor to connect with the Buffalo River; to the Committee on Rivers and Harbors.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation to secure an immediate reform in the present banking system of the United States; to the Committee on Banking and Currency.

By Mr. MOTT: Petition of the commercial organizations of Knoxville, Tenn., protesting against the passage of legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of the board of directors of the California Live Stock Breeders' Association, San Francisco, Cal., favoring the passage of legislation providing that San Francisco be made a free port for the importation of live stock; to the Committee on Ways and Means.

By Mr. SABATH: Petition of the joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, of Knoxville, Tenn., protesting against the passage of legislation for reducing the tariff on aluminum; to the Committee on Ways and Means.

Also, petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of bill making an appropriation for the purpose of experimenting with methods for avoiding unnecessary loss to the fruit raisers; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petition of the California Associated Societies for the Conservation of Wild Life, Berkeley, Cal., and the Audubon Society of California, Los Angeles, Cal., favoring the passage of the McLean bill granting Federal aid for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. TALCOTT of New York: Petition of the Deansboro (N. Y.) Graded School and citizens of Utica, N. Y., favoring the passage of the McLean bill for Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. TILSON: Petition of members of Clinton (Conn.) Grange, No. 77, favoring the passage of the Page bill granting Federal aid for vocational education; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the joint session of the board of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, of Knoxville, Tenn., protesting against the passage of legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

SENATE.

FRIDAY, *February 28, 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. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PUBLIC BUILDINGS BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28766) to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.