

OREGON.

Mabel Miller to be postmaster at Jacksonville, Oreg., in place of John F. Miller. Incumbent's commission expired March 21, 1912.

PENNSYLVANIA.

David A. Moore to be postmaster at New Castle, Pa., in place of John A. McKee. Incumbent's commission expired April 29, 1912.

SOUTH DAKOTA.

Fred C. Bowles to be postmaster at Dell Rapids, S. Dak., in place of Fred C. Bowles. Incumbent's commission expired May 22, 1912.

Robert E. Rogers to be postmaster at Faith, S. Dak. Office became presidential April 1, 1912.

WASHINGTON.

C. J. Casad to be postmaster at Twisp, Wash., in place of Willis R. Hulett, resigned.

William L. Oliver to be postmaster at Rockford, Wash., in place of Lucius L. Wing. Incumbent's commission expired May 26, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 14, 1912.

UNITED STATES MARSHAL.

Victor Loisel to be United States marshal for the eastern district of Louisiana.

PROMOTIONS IN THE NAVY.

Capt. Robert M. Doyle to be a rear admiral.

Lieut. Commander Yates Stirling, jr., to be a commander.

Lieut. James C. Kress to be a lieutenant commander.

The following-named ensigns to be lieutenants (junior grade):

Riley F. McConnell,

Robert L. Montgomery,

Ezra G. Allen,

Thaddeus A. Thomson, jr.,

Alfred H. Miles,

Reginald E. Gillmor,

James Parker, jr.,

Schuyler F. Heim,

Newton H. White, jr., and

Burton A. Strait.

The following-named assistant paymasters with the rank of ensign to be assistant paymasters:

Duette W. Rose,

Irwin D. Coyle, and

Paul A. Clarke.

POSTMASTERS.

ARIZONA.

Charles E. Dermont, Metcalf.

Claus V. Meeden, Yuma.

William M. Newell, Mesa.

CALIFORNIA.

Arthur G. Fisk, San Francisco.

GEORGIA.

James F. Boughton, Madison.

William M. Wakeford, Adel.

ILLINOIS.

Archibald B. Campbell, Tolono.

INDIANA.

Harry H. Crooke, Odon.

Anna Egly, Berne.

Emma G. Powell, Montezuma.

IOWA.

William C. Marsh, Aurelia.

W. E. Richards, Edgewood.

KANSAS.

W. S. Lyman, Lewis.

MASSACHUSETTS.

Frank H. Fales, Framingham (late South Framingham).

MICHIGAN.

James Garnsey, Mayville.

MONTANA.

J. Z. Clem, Virginia City.

NEBRASKA.

Joseph F. Hejtmanek, Dodge.

Henry Niebuhr, Winnebago.

NEW YORK.

George F. Odell, Congers.

OHIO.

C. A. Burke, Johnstown.

OREGON.

J. Ralph Woodford, Medford.

PENNSYLVANIA.

David A. Moore, New Castle.

SOUTH DAKOTA.

James D. Stewart, Dupree.

UTAH.

T. G. Wimmer, Greenriver.

HOUSE OF REPRESENTATIVES.

FRIDAY, June 14, 1912.

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

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

Eternal God, our heavenly Father, the inspiration of all that makes life dear, we thank Thee for our Republic, with its splendid traditions, sacred institutions, and incomparable genius; a precious heritage made possible by the heroic sacrifices and daring deeds of our fathers, which challenged the admiration of men everywhere and thrilled the hearts of the liberty-loving people round the world. We thank Thee that its national ensign, designed and carried to victory by our revered Washington, the Father of his Country, will be celebrated to-day with appropriate ceremonies in song and story. Grant, O most merciful Father, that it may continue to float in peace over a united country and with all the peoples of all the earth, forever and aye. In the spirit of the Prince of Peace, whose advent was heralded by the angelic host, praising God and saying, "Glory to God in the highest, and on earth peace, good will toward men." And Thine be the praise forever. Amen.

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

GREAT SEAL OF THE HOUSE OF REPRESENTATIVES.

Mr. FLOYD of Arkansas. Mr. Speaker, I ask unanimous consent for the present consideration of the House resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 586.

Whereas the great seal of the House of Representatives having been in use continually since the year 1830 A. D., and having now become so worn as to make impressions taken therefrom almost illegible: Be it

Resolved, That the Clerk of the House of Representatives immediately procure a new seal for the use of the House of Representatives, which shall possess the same design and description as the present seal, but shall now have 48 stars, emblematic of the 48 States of the Union, instead of the 24 stars now upon the present seal, which represent the 24 States constituting the Union at the time of the adoption of the present seal.

The necessary expense of procuring the new seal to be paid out of the contingent fund of the House.

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose, when the seal is obtained that the gentleman will introduce a resolution similar to the one now in force in reference to furnishing a copy of the impression to the State Department?

Mr. FLOYD of Arkansas. I will state to the gentleman from Illinois that that is the intention. This resolution simply provides for the purchase of the seal. I will state that the old seal is so worn that the impressions from it are almost illegible.

Mr. GARNER. What is to become of the old seal?

Mr. FLOYD of Arkansas. It will remain in the archives of the Capitol, I presume. This resolution does not undertake to dispose of it.

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

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

INTERNATIONAL MARITIME CONFERENCE.

The SPEAKER laid before the House House joint resolution 299, proposing an international maritime conference, with Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. SULZER. Mr. Speaker, I move to concur in the Senate amendments. And in that connection I desire to say that this resolution, for an international maritime conference to pro-

pose laws and regulations for greater security of life and property at sea, was introduced by Judge ALEXANDER, of Missouri. It was unanimously reported from the Committee on Foreign Affairs of the House and was passed by the House unanimously and sent to the Senate. While pending in the Senate the Secretary of State informed the Senate that the German Government had issued a similar invitation for an international maritime conference, and that the President, as I understand it, through the German ambassador, had, on the part of our Government, accepted the invitation. These amendments are to give the United States Government representation at this international maritime conference for the greater security of life and protection of property at sea. I trust the House will concur in the Senate amendments.

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

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

Mr. SULZER. I do.

Mr. FITZGERALD. The gentleman states that the invitation of the German Government was accepted by this Government, and now an appropriation is sought to be made for the expenses of our representatives at that conference. What right has anybody to accept these invitations without authority of Congress?

Mr. SULZER. Of course, if Congress does not authorize it, it can not be done.

Mr. FITZGERALD. Would it not be a little more deferential to submit the matter to Congress for its assent before the invitation is accepted, rather than to embarrass, sometimes, those who accept these invitations by having it ascertained later that Congress thinks a little differently about it?

Mr. SULZER. In view of the recent terrible catastrophe of the *Titanic* it seems to me that this international maritime conference should be called, and everything ought to be done that can be done to provide better laws and regulations for the security of life and the protection of property at sea. It is a matter of much public moment.

Mr. FITZGERALD. I have no objection, but I simply wanted to admonish those in authority who are too free in accepting invitations.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. I desire to know whether this resolution, as amended by the Senate, carries an additional appropriation beyond what it carried when passed by the House?

Mr. SULZER. The joint resolution carried no appropriation in the House.

Mr. BARTLETT. Then, I suggest, Mr. Speaker, that the gentleman from New York ask unanimous consent to consider this resolution in the House as in Committee of the Whole, because the rule, as I understand, is that where a House bill or joint resolution is amended and an appropriation added to it or increased, it can not be agreed to except by unanimous consent.

The SPEAKER. This amendment carries no appropriation.

Mr. BARTLETT. I understand it carries \$10,000.

The SPEAKER. The bill itself carries an appropriation of \$10,000.

Mr. BARTLETT. The gentleman from New York, I understood, stated otherwise.

The SPEAKER. The gentleman from New York is mistaken. The question is on agreeing to the motion of the gentleman from New York [Mr. SULZER] to concur in the Senate amendments.

The motion to concur was agreed to.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in the RECORD, in connection with this matter, two letters from the Secretary of State.

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

There was no objection.

The letters referred to by Mr. SULZER are as follows:

JUNE 13, 1912.

The Hon. WILLIAM SULZER,
Chairman Committee on Foreign Affairs,
House of Representatives.

MY DEAR MR. SULZER: In order that you may be informed of the reason for the amendment made by the Senate to House Joint Resolution 299, proposing an international maritime conference, I beg to inclose herewith a copy of a letter which I addressed to Senator Cullom on the 11th of this month. I am sure that you will agree with me that, in view of the purpose of the German Government as set forth in the letter, the amendment made by the Senate would seem to be desirable to avoid duplication by this Government of the work already undertaken by the German Government.

I am, my dear Mr. Sulzer,
Very sincerely, yours,

P. C. KNOX.

DEPARTMENT OF STATE,
Washington, June 11, 1912.

The Hon. SHELBY M. CULLOM,
Chairman of the Foreign Relations Committee,
United States Senate.

MY DEAR SENATOR CULLOM: In the belief that the information may be of interest to your committee in connection with the pending legislation now under consideration by it, I have the honor to inform you that this department has recently been notified by the German ambassador that his Government has already ascertained, as a result of informal inquiries, that practically all the important maritime powers of the world would receive with favor a proposal from his Government to join in an international conference to consider the adoption of regulations for safety at sea, and that his Government therefore is about to issue invitations for an international conference on this subject to be held in Germany. It is understood that it is the intention of the German Government to arrange, if possible, to convene the proposed conference before the end of the summer, and in that case the conclusions reached by it will doubtless be available for use by Congress at its next session.

In view of this purpose of the German Government I take the liberty of suggesting for your consideration the advisability of amending the joint resolution (H. J. Res. 299) now under consideration by your committee, so that instead of providing that the President be authorized and requested to ascertain the opinions of the maritime nations upon the desirability of an international maritime conference to meet at Washington on the invitation of the United States (lines 3 to 7), that the President be authorized to convey to maritime nations the desire of Congress that an international maritime conference be held to consider, etc., as provided in the resolution. Some such amendment as this seems desirable in order that it may not be necessary for this Government to duplicate the work already undertaken by the German Government if the conference to be called by that Government is willing to take up for consideration the several subjects enumerated in this resolution. I have the honor to be, sir,

Your obedient servant,

P. C. KNOX.

LEAVE OF ABSENCE.

Mr. BROWNING, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

SUNDRY CIVIL APPROPRIATION 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. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUSSELL. I desire to ask if this is not the day specially set apart by the rules for the consideration of private pension bills?

The SPEAKER. That is true; yes.

Mr. RUSSELL. I ask unanimous consent for five minutes to explain the present condition of pension legislation, pending this motion.

INTERNATIONAL MARITIME CONFERENCE.

The SPEAKER. The Chair will recognize the gentleman from Missouri in a minute. It turns out that the Chair was mistaken instead of the gentleman from New York. The amendment was on the other side of the sheet of the resolution and misled the Chair.

Mr. MANN. Mr. Speaker, I ask unanimous consent to vacate the vote by which the Senate amendments were concurred in.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the vote by which the Senate amendments were concurred in. Is there objection?

There was no objection.

Mr. SULZER. Mr. Speaker, I now ask unanimous consent that the Senate amendments may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BARTLETT. Now, Mr. Speaker, will the gentleman from New York yield?

Mr. SULZER. I will.

Mr. BARTLETT. Where is it proposed to hold this conference?

Mr. SULZER. In Berlin, Germany, the latter part of the summer.

Mr. BARTLETT. And how many commissioners are provided for?

Mr. SULZER. If this resolution becomes a law, no doubt the President will send two or three representatives from the United States. The \$10,000 will pay all their expenses.

Mr. BARTLETT. And this resolution provides for their expenses?

Mr. SULZER. That is all.

Mr. GARNER. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. GARNER. Will the amount in this resolution be the limit of their expenses?

Mr. SULZER. Yes; absolutely. I shall oppose any additional expense.

Mr. GARNER. Will they not be here next session with a deficiency?

Mr. SULZER. Certainly not.

Mr. GARNER. It was stated in the House at the time the resolution was reported that the commission would not cost anything. I am asking the gentleman now so that the Record may show that there will be no additional expense outside of this.

Mr. SULZER. I will be in accord with the gentleman regarding that.

Mr. GARNER. But the gentleman stated before that he would be with me.

Mr. SHERLEY. If the gentleman from Texas will pardon me, if the Record shows it, it does not affect the facts at all; they can come back whenever they want to.

Mr. GARNER. I have observed that, especially with regard to resolutions that come with a proposition for a commission, the thing is authorized, accepted, invitations issued, and the statement is made that it will cost nothing; but they immediately come back with a proposition that costs the Government anywhere from \$10,000 to \$50,000. I want to find out whether this next Congress will have to appropriate \$10,000 or \$20,000 more.

Mr. SULZER. The \$10,000 will be the limit; there will be no more asked for. That amount should be ample to pay the expenses of our representatives.

Mr. Sisson. Mr. Speaker, this appropriations of \$10,000 which was added in the Senate was for the purpose of carrying out some sort of an agreement made by the State Department, I understand.

Mr. SULZER. The \$10,000 is appropriated to pay the expenses of the representatives of the United States in case they are sent to Berlin to participate in this international maritime conference.

Mr. Sisson. Who called this conference?

Mr. SULZER. It has been called by the German Government.

Mr. Sisson. And the United States Government signified its acceptance to attend through the State Department?

Mr. SULZER. I understand that was done.

Mr. Sisson. Through the State Department?

Mr. SULZER. Yes.

Mr. Sisson. Mr. Speaker, the State Department and the Executive Department have a habit of incurring certain obligations by entering into an agreement with foreign nations and then coming to Congress and asking Congress to appropriate money in accordance with that agreement. It is a practice that is extremely dangerous, because the Executive Department assumes and arrogates to itself a power to enter into an agreement and then coming and telling Congress that they have entered into an agreement and that there is a moral obligation resting on Congress to provide the funds. It is a practice that is gradually on the increase. It is an encouragement to the Executive Department with a monarchical tendency to create obligations which Congress has no right, they say, to decline to meet. I think the practice has got to be a very wicked one. In this instance they are asking now for \$10,000, but that is a mere beginning. I have never known one of them to end, and I am opposed to the Federal Government paying one cent toward this conference. If the ship owners and the people interested in this transportation of passengers across the ocean are willing to do their duty by the public, the Government ought not to be called upon to contribute anything.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. Sisson. Certainly.

Mr. BARTLETT. It is a fact that not only this Congress but the English people have had an investigation of the recent terrible disaster, and all the facts have been developed about it from these investigations already. Laws have been passed by this Congress, and laws are proposed to be passed by the English Parliament and by other Governments that will prevent these disasters in the future.

Mr. Sisson. I think the gentleman from Georgia is right; both Governments have already taken steps, and all the Governments have taken such steps. These international conferences only result, as a rule, in an opportunity for a number of gentlemen to take a junketing trip abroad, and no real good will come from it. These transportation companies across the ocean, those having vast facilities, owned by people who owe obligations to the traveling public, themselves are the ones who ought to have this business meeting and agree among themselves what they ought to do.

Mr. SULZER. Mr. Speaker, just a few words. Let me say to my friend from Mississippi that the House of Representatives through the gentleman from Missouri, Judge ALEXANDER, initiated this movement for an international maritime conference to provide for better laws and regulations for the security of life and for the protection of property at sea. The joint resolution introduced by him passed the House unanimously. It provided that the President of the United States should call this international maritime conference here, and of course if it were held here it would entail on the Government a very large expense to receive and entertain the representatives from foreign countries; but while this matter was pending in the Senate, after it had passed the House, the German Government called a similar conference, and our Government signified that it would be glad to participate. This will no doubt save us thousands of dollars. It will be much cheaper to send our representatives to Germany to attend the conference, instead of having the representatives of all the foreign Governments come to the United States. I think the resolution as amended by the Senate is a good solution of the problem along economical lines.

Mr. Sisson. Mr. Speaker, there never was a proposition to take money out of the Treasury but that the proponents did not think it was a splendid thing and along economical lines. If we all entertained the views of the gentleman from New York, we never could stop it.

As suggested by the gentleman from Georgia [Mr. BARTLETT], the investigations in England and the United States show that, as far as the vessel was concerned, so far as the *Titanic* disaster was concerned, it was due to criminal negligence and criminal carelessness. No amount of law and no amount of regulation will prevent people from being careless and negligent, because the law of negligence can not make people careful. No amount of regulation will bring about any state of affairs which might not be repeated with the same conditions that surrounded the *Titanic*. This proposition is a mere beginning of what will result in a large claim for an appropriation.

Mr. SULZER. This amount of \$10,000 is all that will be expended for this purpose. I assure the gentleman of that.

Mr. Sisson. The gentleman can not bind the future action of these men that will meet here, and I expect to hear the gentleman from New York at the next Congress showing how economical it would be to spend \$20,000 for the next conference, in view of the magnificent result that was attained by this.

Mr. SULZER. Oh, no. Our representatives can not exceed this appropriation for expenses. If they do, they will have to pay it out of their own pockets.

The SPEAKER. The question is on concurring in the Senate amendments.

The question was taken; and on a division (demanded by Mr. SULZER) there were—ayes 71, noes 18.

So the Senate amendments were concurred in.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes in order to explain the present condition of pension legislation.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, is it not the intention of the gentleman to endeavor to set aside some other day for pension business?

Mr. RUSSELL. It is; but I want to explain the importance of it, in the hope that no objections be made to the request.

Mr. MANN. I suggest to the gentleman that he better do that on the day he sets apart.

Mr. RUSSELL. Mr. Speaker, then I will now only ask unanimous consent that the day following the completion of the sundry civil appropriation bill be substituted for to-day, with all of the rights that now pertain to this as private pension day.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman allow me to suggest that he except suspension days and Calendar Wednesday?

Mr. RUSSELL. Yes; excepting Calendar Wednesday and suspension day.

Mr. MANN. Excepting Monday, Wednesday, and Friday.

Mr. RUSSELL. I will except all three of them, and in case one of those days should follow the completion of this bill, then the day following that to be substituted for to-day.

The SPEAKER. The gentleman from Missouri asks unanimous consent to set aside and substitute for to-day the first legislative day following the completion of the sundry civil appropriation bill, to be devoted to consideration of pension legislation, excepting Mondays, Wednesdays, and Fridays. Is there objection? [After a pause.] The Chair hears none and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 16689. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

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

S. 6453. An act to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899;

S. 6414. An act to establish a fish experiment station and fish hatchery;

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield; and

S. J. Res. 114. Joint resolution directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein.

The message also announced that the Senate had passed without amendment the following resolution (H. Con. Res. 56):

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House be authorized and directed in the enrollment of the bill (H. R. 23557) entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war" to strike out, on page 35, line 23, the name "Moffitt" and insert the name "Maffitt."

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6414. An act to establish a fish experiment station and fish hatchery; to the Committee on the Merchant Marine and Fisheries.

S. 1152. An act granting an increase of pension to Mary Bradford Crowninshield; to the Committee on Pensions.

S. J. Res. 114. Joint resolution directing the Secretary of the Interior to amend the patent issued to the State of Idaho for lands described herein; to the Committee on the Public Lands.

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas; to the Committee on Military Affairs.

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

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, there is business on the Private Calendar which the House has been unable to attend to, many bills that are of importance to the Members and their constituents, and I rise to ask unanimous consent that after the sundry civil appropriation bill is disposed of, not to interfere with the order which has just been made with reference to pension and not to interfere with suspension day or Calendar Wednesday on such other days next week as are available, it shall be in order to consider bills on the Private Calendar which are not objected to, and that after the bills that are not objected to have been considered then it shall be in order to consider the other bills on the Private Calendar, the order to be limited to next week.

The SPEAKER. The gentleman from Alabama asks unanimous consent that next week, after the disposition of the sundry civil appropriation bill and after the gentleman from Missouri [Mr. RUSSELL] has his day for the consideration of pension legislation, such private bills as to which there is no objection shall be considered; that after that any other private business may be called up; this order to apply to next week only. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama if, during the next two weeks, in which will be held two national conventions,

when a good deal of politics will be discussed throughout the country, it is the intention for this House not to do anything more than what may be done by unanimous consent?

Mr. UNDERWOOD. Mr. Speaker, if there is objection to the latter portion of the order which I suggested, I shall withdraw that request and simply limit it to the consideration of bills on the Private Calendar to which there is no objection. Next week it will probably be difficult to obtain a quorum. A number of Members will be here, however, and there are a great number of small bills on the calendar to which there really is no objection and which Members are anxious to get through the House. This is an opportunity when that can be accomplished.

Mr. FOSTER. Mr. Speaker, I desire to say that I have no objection to taking up bills on the Private Calendar and to disposing of them, because I realize that during the session there has not been very much attention given to that class of bills. But we have been in session now for nearly six months, and a great many of us have been here constantly—have not missed a day of the session—and it occurs to me that it seems hardly the proper thing for us to remain here for two weeks and do nothing when we might finish up the business of the session, get through, and go home. [Applause.]

Of course I am not charging anything against my good friend from Alabama, but I realize there has been a demand on both sides of the House for this sort of proposition, and it has been openly stated in the other body that they will not transact any business until the 1st day of July.

Mr. MANN. They have entered a unanimous-consent order to that effect.

Mr. FOSTER. A unanimous-consent order has been entered to that effect. But I want to suggest that it seems to me that the membership of the House of Representatives ought to remain here and transact the business of the House and be ready to adjourn by the 1st day of July and let the country know that it is not through any fault of ours that both Houses are not ready to adjourn. [Applause.]

Mr. MANN. Mr. Speaker, I will ask the gentleman from Illinois if he intends to be here every day during the week after next?

Mr. FOSTER. I want to say that I expect to be here every day that my presence is necessary here.

Mr. MANN. Oh, the gentleman's presence is necessary all of the time.

Mr. FOSTER. And I want to say this, that my services are not required in Baltimore or Chicago, but that whatever little service I may be able to give to this House is required right here. [Applause.]

Mr. MANN. I daresay the gentleman's services will not be required in Baltimore, but they will be received.

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

Mr. FOSTER. Certainly.

Mr. CANNON. All of us desire to dispose of the public business, but in view of the fact that the coordinate branch of Congress is not going to do any business for two weeks from next Monday, except by unanimous consent, can my colleague suggest any possible means under the Constitution by which we can forward the public business ourselves?

Mr. FOSTER. Mr. Speaker, I think my colleague's statement is correct, but I want to remind him that this House can say to the people of this country that we have transacted our business and are ready to adjourn and go home. [Applause.] We can let the people know that fact by remaining here in session and keeping a quorum and transacting the business that is necessary to be done.

Mr. MANN. Mr. Speaker, I will guarantee a quorum in the House next week if the gentleman will guarantee a quorum in the House week after next. I do not want any bluffing.

Mr. FOSTER. And that if there be any blame for not adjourning, it will rest upon the body at the other end of the Capitol and not upon us.

Mr. CANNON. If my friend will allow me just one word. In 40 years I have heard the speech of my honest colleague duplicated so many times that I want to suggest to him that, while he does not mean it, it is, in effect, as sounding brass and tinkling cymbals.

Mr. FOSTER. I want to say to my colleague—

The SPEAKER. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. I yield for a minute.

Mr. FOSTER. I want to say to my colleague from Illinois that in his judgment it may be as sounding brass and tinkling cymbals, but I want to say to him that the people of this country realize that the business of Congress should be promptly transacted and it should adjourn and go home. [Applause.] I want to say to him if he will go out among the people of this

country that he will find that they do not regard this as sounding brass and tinkling cymbals.

Mr. UNDERWOOD. Mr. Speaker, the proposition I desire to place before the House is not a partisan proposition. On all questions that come before the House, except the Private Calendar, we have a unanimous-consent day. You can not place bills on the Private Calendar on the Unanimous Consent Calendar.

Now, there are bills on that calendar that may not be of importance to the country at large or to the membership of this House as a whole, but they are of great importance to the individual Members and of great importance to the constituents of individual Members. Now, what I desire to do is to secure a day when we may have a unanimous-consent day practically, or days, for the Private Calendar, and that is what my request is, and if gentlemen want to object to bills on that calendar they ought to stay here, if they think it is of importance enough to object to them. It would not interfere with the conduct of business of the House because, if they want to go away the next week, it is apparent we can not attend to the general public business, and I think this is a good opportunity to dispose of the Private Calendar.

Mr. ANTHONY. I understood the gentleman's request to extend to next week only?

Mr. UNDERWOOD. To next week only.

Mr. ANTHONY. Has the gentleman any objection to including the week following that?

Mr. UNDERWOOD. I will say the week following there will be probably conference reports in here and other public business that can be disposed of—

Mr. MANN. There will be conference reports here in the negative and conferences over in Baltimore.

Mr. ANTHONY. I intend to go to Chicago next week, but be here during the following week.

Mr. UNDERWOOD. I will say to the gentleman from Kansas if he is to be away, and he has a bill on the Private Calendar, he can probably get a friend to look after it.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, does not this mean we will not transact any business for two weeks?

Mr. UNDERWOOD. Not at all.

Mr. SISSON. Well, I understand we have two parties in this House, notwithstanding the fact the gentleman says this is a nonpartisan request. Now, if Republicans should attend pretty largely the Republican convention in Chicago—

Mr. ADAIR. They will not. They are afraid to go.

Mr. SISSON. The gentleman suggests that; I do not know whether they will go there or not, but will assume that they want to go to that convention. Then, if the Democrats go largely to Baltimore the following week you will have a majority of the Republicans absent next week and a majority of the Democrats absent the following week.

Mr. UNDERWOOD. I will say to my friend from Mississippi this has nothing to do with the following week. It will take all of next week on the sundry civil bill, or take a large part of next week—

Mr. FITZGERALD. I hope not.

Mr. UNDERWOOD. It will take a portion of it, at any rate. Monday will be taken up and Wednesday will be taken up, and the day for pensions, and this order will probably be confined to one day.

Mr. MANN. Mr. Speaker, I hope the request of the gentleman from Alabama will not be objected to. It is perfectly patent to everybody that a good many Members from this side of the House will be absent in Chicago next week. It is a courtesy on the part of the majority side of the House that they will not attempt to take up important legislation during the absence of many Members on the Republican side of the House who desire to attend the Republican national convention, and of course it goes without saying that if the House should be in session and the Republicans should have a majority during the session of the national convention in Baltimore that some sort of an understanding would be reached and carried into effect.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Now, the Chair will state it so there can not be any mistake on the part of Members. The request is, next week after this sundry civil bill gets through the House, except Monday and Wednesday, and allowing the gentleman from Missouri [Mr. RUSSELL] a day for pensions, then any bill on the Private Calendar not objected to shall be considered.

Mr. MANN. And that the Private Calendar will be called in regular order.

The SPEAKER. It will be called in regular order.

SUNDY CIVIL APPROPRIATION 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. 25069—the sundry civil appropriation bill—and I wish to give notice that I shall ask the House to stay late to-night in order to complete this bill before adjournment to-morrow.

Mr. GARNER. What do you mean by staying late?

Mr. FITZGERALD. Ten or 11 o'clock.

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. 25069—the sundry civil appropriation bill—with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 25069, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Page 77, line 17:

"Harbor of New York: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City:

"For pay of inspectors, deputy inspectors, office force, and expenses of office, \$10,260;

"For pay of crews and maintenance of patrol fleet, six steam tugs, and one launch, \$75,000;

"In all, \$85,260."

Mr. MOORE of Pennsylvania. Mr. Chairman, I would like to ask the chairman of the Committee on Appropriations something about this item, which is for "the prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City." How far does the jurisdiction of the Federal Government extend in this matter?

Mr. FITZGERALD. Under the river and harbor act either of 1886 or 1888 provision is made for the prevention of deposits in the harbor of New York, and this force is maintained for that purpose. In view of the very extensive building operations that are carried on in the city of New York, and on account of the further fact that the street sweepings and garbage must be taken out to sea, the temptation is so great to shorten the haul and to dump within the harbor limits that it is to the interest of the Federal Government to maintain this supervision and thus avoid a large expenditure that otherwise would have to be made for removing the deposits.

Mr. MOORE of Pennsylvania. Does the act referred to apply specially to the port of New York?

Mr. FITZGERALD. Yes; the river and harbor act either of 1886 or 1888 specifically provides for this service in the harbor of New York.

Mr. MOORE of Pennsylvania. May I inquire of the gentleman how far this appropriation would extend as applied to the Hudson River or the East River?

Mr. FITZGERALD. I do not know just how far it runs up the river. But the difficulty is not up the river. It is more in the upper and lower bays, and the trouble comes from the fact that the scows do not go far enough out beyond the bars. The authorities require these scows to be taken out a number of miles. That is what they wish them to do; but they do not get them out far enough, and some of the men connected with the navigation of ships complain that around Scotland Light now the bottom is shoaling on account of these deposits.

Mr. MOORE of Pennsylvania. The removal of obstructions is for the benefit of navigation. That goes without saying; but I would like to know if there is similar provision for other ports in matters of this kind.

Mr. FITZGERALD. I do not think so.

Mr. MOORE of Pennsylvania. Is the appropriation made on the ground that it is for the benefit of international commerce?

Mr. FITZGERALD. I do not know the reason that was given when the legislation was enacted, except, as I have stated, that there is in New York a large amount of material that must be disposed of, and there exists a very great temptation to those who are compelled to dispose of it to deposit it inside of the limits prescribed by the authorities. It would involve a large expense on the part of the Federal Government for dredging if this service were not maintained.

Mr. MOORE of Pennsylvania. The Committee on Rivers and Harbors has held that the expense of dredging streams which bisect a city should be borne by the municipality. I wish to inquire, if the gentleman knows, why appropriation in this case was made for a particular port? In other ports, more inland than the port of New York, it is expected that the municipality or State shall look out for obstructions of this kind.

Mr. FITZGERALD. I do not think the conditions are the same anywhere else.

Mr. MOORE of Pennsylvania. This appropriation, or the act under which it is made, does not apply to any other port than New York?

Mr. FITZGERALD. No. That is my understanding.

Mr. PADGETT. Mr. Chairman, I wish to ask unanimous consent to extend my remarks in the Record by inserting an address made by myself before the bankers' convention at Knoxville, Tenn., recently on the question of banking and currency.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. MANN. Will the gentleman insert it in the latter part of the Record, after the regular proceedings?

Mr. PADGETT. I think that would be appropriate.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, on yesterday a very interesting argument took place with regard to the allowance of traveling expenses to the President of the United States. I do not know whether the gentleman from North Carolina [Mr. PAGE], who raised the question, is entirely satisfied with the verdict of the House or not, but there were at least 55 Democrats who indicated by their votes that they were willing to appropriate money for the traveling expenses of a Republican President. Whether the votes of those gentlemen are to be taken as evidence that—

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman is not talking to anything that is pending before the House. That matter was disposed of yesterday, and we ought to proceed now with the consideration of the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment to this paragraph.

Mr. SHERLEY. When the amendment is offered the gentleman can proceed in order, but at present we ought to proceed with the bill.

Mr. MOORE of Pennsylvania. I offer the amendment now, and in offering it I want to say—

Mr. SHERLEY. Mr. Chairman, I make the point of order that unless the gentleman offers an amendment and speaks to it he is not in order. He can not rehash something that is passed.

Mr. MOORE of Pennsylvania. I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The Clerk read as follows:

Office of Speaker: For automobile for use of the Speaker of the House of Representatives, \$5,000.

Mr. SHERLEY and Mr. FITZGERALD interposed a point of order against the amendment.

Mr. MOORE of Pennsylvania. The gentleman was going to let me speak on the amendment. I said I was going to offer the amendment, and now that I have offered the amendment he objects.

Mr. SHERLEY. I wanted to see what the amendment was. I object to the discussion of matters that are not germane to the bill.

Mr. MOORE of Pennsylvania. I think it is germane.

Mr. SHERLEY. I make the point of order, and the Chair can determine it. I make the point of order that it is not germane.

Mr. MOORE of Pennsylvania. Will the gentleman reserve his point of order?

Mr. SHERLEY. I will not reserve it.

Mr. MOORE of Pennsylvania. I think the Speaker ought to be permitted to ride once in a while. I hate to see him standing in street cars taking his chances with the other strap-hangers. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Have I not a right to discuss the point of order, Mr. Chairman?

The CHAIRMAN. The Chair has already ruled.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SCULLY having taken the chair as Speaker pro tempore, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title on June 14, 1912:

H. R. 23626. An act to appropriate \$300,000, or so much thereof as may be necessary, to equip all Army transports with

all lifeboats and rafts necessary to accommodate every person for which transportation facilities are now provided on said transports and the crew of said transports.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, \$115,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee a question. This is an item of a good deal of importance to the old veterans who have lost a limb. I notice that the current appropriation is \$330,000 and in this bill it is reduced to \$115,000.

Mr. FITZGERALD. This is the amount requested. Every third year it is much larger.

Mr. WILLIS. I will withdraw the point of order.

Mr. MANN. What is the reason given by the gentleman from New York?

Mr. FITZGERALD. Every third year there is a much larger sum appropriated.

Mr. MANN. Do they lose more limbs every third year? [Laughter.]

Mr. FITZGERALD. They are entitled to a new limb every third year and then a larger appropriation is required. This is one of the lean years.

The Clerk read as follows:

The existing unexpended balance of the appropriation for additional repairs and for furniture and covered way connecting the main building of Garfield Memorial Hospital with the new children's ward is re-appropriated and made available for furniture and equipment for the "Henry A. Willard Memorial Building" of said Garfield Memorial Hospital.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if the Government owns any interest in the Garfield Memorial Hospital?

Mr. FITZGERALD. It has a lien on the property and buildings for a very large sum.

Mr. FOSTER. What does the gentleman mean?

Mr. FITZGERALD. Just what I say. In the event that they should discontinue this institution, certain sums advanced by the Federal Government for improvements are a first lien upon the real estate and improvements.

Mr. FOSTER. Does the gentleman mean to say that the Government holds an interest in the institution for all the money that has been appropriated for buildings and purchase of grounds?

Mr. FITZGERALD. It has a first lien in the event that it should be discontinued as a hospital. The advances made by the Government for the improvements, purchase of land, and buildings are a first lien.

Mr. FOSTER. Does the gentleman mean to say that the Government has a right to force the collection of moneys that Congress has appropriated for the equipment of the hospital and the purchase of ground?

Mr. FITZGERALD. That is the situation under the law. The Government has that right. It is the same as a mortgage, only the amount does not become due—that is, the contingency under which the amount is to become due is the abandonment of the institution as a hospital.

Mr. FOSTER. Is it the policy of the Government to loan money in that way for such purposes?

Mr. FITZGERALD. Congress has in the past appropriated for a number of institutions in this city certain sums of money for various purposes. This lien is under a general statute.

Mr. FOSTER. Is that the case with all hospitals for which the Government has contributed for the buildings and grounds—that they have a lien on the property?

Mr. FITZGERALD. It is, by general statute.

Mr. FOSTER. And in case the hospital is abandoned—

Mr. FITZGERALD. The Government has a first lien for the amounts advanced.

Mr. FOSTER. I withdraw the pro forma amendment.

The Clerk read as follows:

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, \$255,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. The current law provides for \$285,000, and this bill carries \$255,000. How does it come that there should be such a large decrease in that branch of expenditure? Obviously the number of inmates have not decreased.

Mr. FITZGERALD. The estimates called for \$245,000. These figures are based on information furnished by the board of managers. There has been a reduction in the number of inmates of the soldiers' homes, although in some the attendance has been very much larger than anticipated.

Mr. WILLIS. The gentleman says the estimate was for \$245,000?

Mr. FITZGERALD. Two hundred and forty-five thousand, but the board of managers before the committee made a statement that they required \$255,000. We have endeavored to give all the board needed.

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, \$187,000.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman if this is the item that covers the food of the members of soldiers' homes?

Mr. FITZGERALD. It is.

Mr. ANTHONY. Has any step been taken by the committee to improve the rations of the members of these homes? If the gentleman will recall, for the last two years there has been considerable complaint voiced on the floor in regard to the rations of the old soldiers.

Mr. FITZGERALD. The committee has not taken any steps, but it has made inquiries of members of the board when they were before the committee, and the statement was to the effect that the rations were very excellent and sufficient.

Mr. ANTHONY. I want to say for the benefit of the House that I have one of these homes in my district, located in my home town, and I am very familiar with the character of food given them. There is universal complaint that the food is not such as should be given to men of the age of these old soldiers. They are reaching the ages of 75 and 80 years, and the same ration that is meted out to the Army or in a penitentiary or any other public institution is no longer fit for the maintenance of the old soldier. They deserve the very best that can be given them, and it is a fact, and I get it from personal complaint from members of these homes, that while they get an ample supply of food and what they do get is of good quality, it is not sufficient in its class to maintain and properly nourish old men like the majority of the members of these homes. I hope the gentleman will permit a sufficient increase in this appropriation to enable the management to give the men what they require.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will permit, the only justification for any complaint is a complaint that is unavoidable. Whenever food is prepared for a large number of men they become in time tired of the food. Complaint was made as to the character of food in the hospitals, and the president of the board of managers made a statement as to the character of food in the hospitals and the character of food in the homes and respecting the method of determining food that should be used, which would convince anybody that ample food is prepared. The president of the board of managers of soldiers' homes is Mr. Wadsworth, who for a number of years was a Member of this House. He served in the war; is a man of very wide experience and very large capacity and, I think, of very warm and sympathetic heart. He has given very careful personal attention to all of these matters. In view of the statements that have been made in the past about the insufficiency of the food and the character of it the committee made inquiries concerning it, and he assured the committee from his own personal investigation and his own statements that there was no question that the food was ample. There was placed in the RECORD—and it is available for Members—a statement of the menu in these various homes.

Mr. Wadsworth said that he thought the best proof of the character of food furnished was the fact that 75 per cent of the men who entered the homes gained in weight after spending a very short time there. I have here the bill of fare, which I shall be very glad to put in the RECORD, and which is as follows:

BILL OF FARE, GENERAL DINING HALL, FOR QUARTER ENDING SEPTEMBER 30, 1910.

Sunday.—Breakfast: Baked pork and beans, graham and white bread, oleo, coffee. Dinner: Roast beef, baked potatoes, macaroni and cheese, brown gravy, bread, coffee. Supper: Cold meat, stewed fruit, bread, oleo, coffee.

Monday.—Breakfast: Fried bacon, mashed potatoes, fruit, bread, oleo, coffee. Dinner: Roast chicken, browned potatoes, creamed onions, giblet gravy, sage dressing, pickles, bread, oleo, coffee. Supper: Cold meat, sage pudding, fruit, ginger cake, bread, oleo, coffee.

Tuesday.—Breakfast: Beef fricassee, steamed potatoes, bread, oleo, coffee. Dinner: Boiled corned beef, creamed potatoes, boiled navy beans, catsup, rice pudding, bread, oleo, coffee. Supper: Cold meat, mush and sirup, stewed fruit, bread, oleo, coffee.

Wednesday.—Breakfast: Fried pork sausage, mashed potatoes, brown gravy, bread, coffee. Dinner: Roast beef, steamed potatoes, tomatoes, rice, tapioca, pudding, bread, oleo, coffee. Supper: Cold meat, creamed lima beans, fruit, bread, oleo, coffee.

Thursday.—Breakfast: Corned-beef hash, stewed fruit, bread, oleo, coffee. Dinner: Roast beef, mashed potatoes, creamed onions, hot corn bread, bread, oleo, coffee. Supper: Cold meat, mush and sirup, stewed fruit, bread, oleo, coffee.

Friday.—Breakfast: Boiled eggs, fried bacon, creamed potatoes, bread, oleo, coffee. Dinner: Roast beef, creamed codfish, pork rashers, steamed potatoes, bread pudding with raisins, bread, oleo, coffee. Supper: Cold meat, creamed rice, pie and cheese, bread, oleo, coffee.

Saturday.—Breakfast: Corned-beef hash, stewed fruit, bread, oleo, coffee. Dinner: Boiled shoulder, lima beans, steamed potatoes, cream gravy, catsup, bread, coffee. Supper: Cold meat, stewed fruit, bread, oleo, coffee.

Changes are made in the general dining-hall bill of fare by the commissary of subsistence and chief cook, in consultation with the governor and surgeon.

The hospital bill of fare is prescribed by the surgeon.

It is prepared with a knowledge of the fact that most of these men are well advanced in years, and they require a different dietary from younger men.

Mr. ANTHONY. Mr. Chairman, would the gentleman from New York recommend a diet of oleomargarine for old men of 75 years of age who are suffering from indigestion?

Mr. FITZGERALD. Everybody who is at all familiar with the matter knows that oleomargarine is much more wholesome than butter.

Mr. ANTHONY. We do not agree with the gentleman about that.

Mr. FITZGERALD. It is furnished to them for that reason, and the gentleman from Kansas [Mr. ANTHONY] himself would not be able to tell whether he was eating oleomargarine or butter unless he were eating renovated butter; and in that instance he might be quite certain that he was eating butter.

Mr. ANTHONY. Let me make a statement here in regard to the use of oleomargarine. It is not only served three times a day in most of the homes, but it is used as flavoring for cooking. They flavor the potatoes with it in the big steam kettle where they are cooked. It is put in their mush and in everything until every article of food has a flavor of rancid beef fat when it is cooked. I have been there and tasted it and I know. I know it makes those old soldiers sick at the stomachs to have to go up against oleomargarine three times a day, and I want to make an effort here, and I want to ask this House to cut out that imitation of a pure food and give those old men as good food to eat as every American workingman has on his board three times a day, especially a good article of pure butter. I am informed that at some of the homes they get pure butter, they do not get oleomargarine. It is only at certain homes that it is served, and I think it ought to be cut out entirely.

Mr. FITZGERALD. Mr. Chairman, if the gentleman bases his objection to the food furnished to these men upon the fact that they are furnished oleomargarine instead of butter, he has very little justification for any complaint.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more time.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Kansas may be extended for five minutes. Is there objection?

Mr. FITZGERALD. Mr. Chairman, one moment. We should not waste our time here discussing this matter. There is nothing before the House.

The CHAIRMAN. If objection is made, the Chair will recognize some one else.

Mr. ANTHONY. There is something going to be before the House.

Mr. FITZGERALD. Well, let it come before the committee now.

Mr. ANTHONY. In due time I will offer it to the committee.

Mr. FITZGERALD. If the gentleman proposes an amendment, let us have it before the committee.

Mr. ANTHONY. Very well, I will submit the following amendment, Mr. Chairman.

The Clerk read as follows:

Page 84, line 16, insert:

"For subsistence: For the purchase of milk, butter, eggs, and fresh fruits, \$250,000, to be apportioned pro rata among the several homes according to membership: *Provided*, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. FITZGERALD. Mr. Chairman, on that I make the point of order. This provision restricts the discretion which under the law is vested in the board as to the distribution of expenditures of funds for subsistence in these homes.

Mr. ANTHONY. Mr. Chairman, I will ask the gentleman to reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. ANTHONY. If the gentleman makes the point of order, I would ask unanimous consent to divide my amendment and have the proviso come in as a second amendment, which I will offer.

Mr. FITZGERALD. Mr. Chairman, the gentleman can offer another amendment if this amendment is defeated.

Mr. FOSTER. Does not the gentleman from New York think that Congress has a right to restrict—

Mr. FITZGERALD. Oh, yes; Congress has; but we are discussing what we can do under the rules upon an appropriation bill.

Mr. FOSTER. He has the right to say that no part of this appropriation shall be expended for certain articles.

Mr. FITZGERALD. That is a different thing.

The CHAIRMAN. The Chair holds that the amendment as a whole is subject to the point of order, and therefore sustains the point of order. The Chair will hold that the amendment as a whole is subject to the point of order.

Mr. ANTHONY. Mr. Chairman, I ask to divide the amendment.

The CHAIRMAN. The Chair would suggest that the gentleman divide it to suit himself.

Mr. ANTHONY. I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding at the end of line 16, page 84, the following: "Provided, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. ANTHONY. Now, Mr. Chairman, I ask that the first part of the amendment be reported properly.

The Clerk read as follows:

For subsistence: For the purchase of milk, butter, eggs, and fresh fruits, \$250,000, to be apportioned pro rata among the several homes according to membership.

Mr. FITZGERALD. Now, Mr. Chairman, I make the point of order against that amendment.

The CHAIRMAN. The Chair has ruled that the amendment as a whole is subject to the point of order.

Mr. ANTHONY. Mr. Chairman, I divided the amendment and I took out the objectionable proviso.

The CHAIRMAN. What portion did the gentleman offer?

Mr. ANTHONY. I offered the first portion.

Mr. FITZGERALD. I make the point of order against the first portion.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ANTHONY. I would ask the gentleman from New York on what ground he makes his point of order.

Mr. FITZGERALD. It is not necessary, as the Chair has sustained the point of order; I decline to furnish any information.

Mr. ANTHONY. I simply ask for information, as my amendment as offered simply provides for the purchase of subsistence stores, and names those stores.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's discussion of that is not in order, as the Chair has sustained the point of order.

Mr. ANTHONY. I would like to ask the Chair to state the grounds on which he sustained the point of order.

The CHAIRMAN. That it is legislation.

Mr. ANTHONY. I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection to hearing the gentleman for five minutes? [After a pause.] No objection is heard.

Mr. ANTHONY. Mr. Chairman, two years ago the House adopted a provision appropriating \$250,000 additional for the purpose of remedying these complaints against the food served at the soldiers' homes. Although the House increased the appropriation in order to increase the quality of the food which was to go into these homes, the membership have been unable to see where a single dollar of that has been expended to increase the variety of the food served. The facts are, at the Leavenworth Home that the food served the men there to-day, while it is ample in quantity and quality, such as it is, is not a single bit better than the food served at the Federal penitentiary located at the same place. I am not exaggerating in the slightest degree when I make the statement that I believe that the capacity for the serving of proper food for men, with the more modern facilities for cooking and handling it there, are much better at the penitentiary than at the soldiers' homes, and I do hope—

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

Mr. ANTHONY. I do.

Mr. WILLIS. Does the gentleman know whether this bill of fare that is printed on page 891 of the hearings is applicable to all the soldiers' homes, or does it relate only to that one?

Mr. ANTHONY. I am not informed as to that, but I think they are all about the same.

Mr. WILLIS. If that is true, the statement the gentleman made a little while ago about the use of butter at some homes and oleomargarine at others is not true, because the report shows that in every one oleomargarine is used.

Mr. ANTHONY. If I recall correctly, there was one bill of fare where they used butter.

Mr. BUTLER. Is there any explanation why oleo is used in these homes?

Mr. SLAYDEN. I would like to ask my friend from Kansas if the objection to oleo is not really to the name and not to the substance of the article?

Mr. ANTHONY. I will say to the gentleman it is not. When continually used in cooking the rancid flavor of the beef fat is brought out and permeates the article of food until it becomes nauseous.

Mr. SLAYDEN. I would like to ask the gentleman whether he has used oleomargarine.

Mr. ANTHONY. I have never used it, but I have gone where oleomargarine has been used, and have eaten it and—

Mr. MANN. The gentleman puts himself as a single member as against the world.

Mr. WILLIS. Does the gentleman think that it is a proper ingredient to be used in cooking? I do not.

Mr. ANTHONY. I certainly do not.

Mr. WILLIS. I disagree absolutely with the gentleman from Illinois, and agree with the gentleman from Kansas.

Mr. MANN. Has the gentleman ever used it?

Mr. WILLIS. I never cooked with it, but I have been in places where it has been used.

Mr. MANN. It is from my personal knowledge.

Mr. ANTHONY. The gentleman voices his personal opinion, and not from practical experience.

Mr. MANN. I am voicing my practical knowledge from personal experience.

Mr. ANTHONY. Mr. Chairman, I offer this amendment.

Mr. LOBECK. That will do to tell men, but will not do to tell a good cook or women.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 84, line 16, by adding at the end of the line the following: "Provided, That no part of the appropriation for subsistence in this bill shall be available for the purchase of oleomargarine, butterine, or other imitations of butter."

Mr. SHERLEY. Mr. Chairman, I make the point of order. The point of order is that it is legislation in that it restricts the discretion now possessed in the board of managers.

Mr. ANTHONY. I insist that it is merely a limitation upon the expenditures.

The CHAIRMAN. The Chair is prepared to rule. The point of order is overruled, and the Chair holds the amendment in order.

Mr. ANTHONY. Now, Mr. Chairman, I hope that this House will go on record as being in favor of feeding the brave men who went to the front in the days of 1861 and 1865 as well as they do the prisoners at the United States penitentiaries we provide for, and I want to say to this House from my own personal knowledge that if there is one reform needed, one help in the subsistence of the old soldiers' home, it is the elimination of this article of oleomargarine from the regular diet, and I hope the House will adopt the amendment.

Mr. SHERLEY. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Without objection the motion will be agreed to. [After a pause.] The Chair hears no objection.

Mr. SLAYDEN. Mr. Chairman, I shall not trespass on the time of the House more than a minute or two. I do, however, want to say a word of protest against what I believe to be an unjustifiable assault on a perfectly wholesome article of food that has been discriminated against by law. If the authorities do serve rancid, unwholesome, and unfit food to the old soldiers or prisoners, it ought to be stopped, but it is not necessary—

Mr. ANTHONY. Certainly, if the article becomes rancid and unwholesome when used in cooking.

Mr. SLAYDEN. Mr. Chairman, there is not any doubt in the world, I think my friend from Kansas must know it, that oleomargarine is a perfectly wholesome food that is used in cooking with great advantage.

The only trouble with oleomargarine to-day is that it has been unfairly discriminated against by laws passed here in the interest of a few butter makers, reserving to them the privilege of coloring their product so as to deceive the consumer and in the same breath denouncing the practice on the part of the makers of oleomargarine as a crime.

Mr. GARNER. And if you used old and rancid butter the same effect would be had?

Mr. SLAYDEN. Yes. Their stomachs would revolt at it just as much, and probably more.

Mr. FOSTER. The gentleman from Texas [Mr. SLAYDEN] makes the statement that oleomargarine has been discriminated against. It occurs to me that the trouble with oleomargarine and with those who manufacture it and sell it to the people is that they want to make as near like good butter as they possibly can in order to get a sale for it.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kentucky?

Mr. FOSTER. Yes.

Mr. SHERLEY. What they want is the same privilege that butter has. The butter makers color white butter yellow because people are accustomed to eating either butter or oleomargarine which has been colored.

Mr. SLAYDEN. If the gentleman will permit, I wish to say that no more fraud is practiced by the oleomargarine manufacturers than by the butter makers.

Mr. FOSTER. The people who make first-class butter do not object to oleomargarine being given its natural color—the color that goes with the oleomargarine.

Mr. SHERLEY. Why do the butter makers color their butter?

Mr. FOSTER. The trouble is that the oleomargarine makers buy in the country a lot of old cows, whose fat is such as to give rise to a large amount of coloring matter when it goes into the manufacture of oleomargarine. They do not get that coloring matter in the fat steer, but they get it in the old cow that comes from the country and that has been a milker. She gives the oleomargarine a higher color than can be obtained from the steer in good condition, and what they can not get in the way of color from the old cow they want to add by additional coloring matter, to make the product look like good butter.

Mr. MANN. Where does the butter come from if it does not come from the same old cow? [Laughter.]

Mr. FOSTER. The old cow no longer serves her purpose as a milk producer. And now she is made to furnish material to the oleomargarine factory and give to the oleomargarine something of the color of butter.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FOSTER. Yes.

Mr. SLAYDEN. I want to ask the gentleman if the butter makers do not use coloring matter in butter?

Mr. FOSTER. Yes, certainly; but that is only done in order to bring the color of the butter to the average natural color that the butter has at the time of year when grazing is the best.

Let me suggest to the gentleman from Texas [Mr. SLAYDEN] this, that in the summer time, when the grass is green and there is plenty of it, the cow gives a richer color of butter than she does in the winter time, when she has more of dry feed. Now, in order to let the butter retain that uniform color the coloring matter is put in. It is not needed in the summer time.

What the oleomargarine manufacturers do with the oleomargarine is this: The oleomargarine has a narrow range of color, and the manufacturers try to get it up to the color of butter, also adding a certain per cent of good butter to give it the flavor, and in that way they are trying to deceive the people in reference to oleomargarine and make the people believe that it looks like butter, and tastes like butter, and is as good as butter.

Mr. SLAYDEN. Mr. Chairman, will the gentleman permit me a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. FOSTER. Yes.

Mr. SLAYDEN. Then you practice a fraud in the winter months and are honest in the summer time? [Laughter.]

Mr. FOSTER. No. The butter makers give to the butter the color that is natural to the butter on account of the grass that the cow eats, and they give it that color the year round so as to keep it uniform. You are trying to get that color which does not naturally belong to the oleomargarine.

Mr. SLAYDEN. It belongs to it in the summer time, but not in the wintertime.

Mr. FOSTER. You can not get that color with all the old cows you can use without using artificial coloring matter. You use a greater amount of material in order to bring the oleomargarine up to the color that the butter naturally gets in the summer time.

Mr. AUSTIN. Let me suggest to the gentleman from Texas [Mr. SLAYDEN] that he speak of the old cows that are brought up from Texas.

Mr. SHERLEY. Mr. Chairman, it is very easy to make an appeal on behalf of the old soldier, and to gain or supposedly gain credit thereby. There is nobody in this House who desires to see the old soldier treated other than in the best possible manner. But I am not willing on the testimony of the gentleman from Kansas [Mr. ANTHONY] or of the distinguished physician from Illinois [Mr. FOSTER] to determine the controversy between oleomargarine and butter. I do know that the Board of Managers for the National Homes for Disabled Volunteer Soldiers, which controls these homes, is composed of three distinguished Federal soldiers of the Civil War. One of them—

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. No; I can not yield. The gentleman has already spoken in his own time. One of those members of the board has been a Member of this House, and not only a Member, but for years the distinguished chairman of the Committee on Agriculture of this House, and a man who himself has perhaps as much personal knowledge in regard to the dairy business as any other man in this country. He testified before the committee, and his testimony is borne out by the experience of hundreds of men, that the oleomargarine served at the soldiers' homes is wholesome and healthful in every way. That has been tested repeatedly all over the country.

But we have a situation in America where the dairymen have succeeded in the past in using the power of Congress to raise revenue to destroy a competitive business, and they are always anxious in every way they can to prevent competition, and they desire their particular industry to be legislated into a monopoly. This is simply along the line of the restrictive legislation that is born of the greed of dairymen to control absolutely the market and to have no competitor; and this House can not afford, under the specious guise of giving to the old soldier better treatment, to turn down the men who are giving their intelligent and skilled interest in the management of these homes. We have simply the statement of the gentleman from Kansas and of the gentleman from Illinois as a basis.

Mr. CANNON. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CANNON. Under the law oleomargarine can not be colored. Everybody admits that it is a healthful food. It can not be colored to have the similitude of butter when it goes into consumption at the soldiers' homes or anywhere else. If it is a perfectly healthful food, why the amendment?

Mr. BUTLER. Oleomargarine may be colored under the law.

Mr. CANNON. Oh, by paying 10 cents a pound.

Mr. SHERLEY. Yes; it can be colored by paying a prohibitive tax.

Mr. ANTHONY. I should like to ask the gentleman from Illinois [Mr. CANNON] a question.

Mr. SHERLEY. No; the gentleman may ask me a question, but I am going to continue to control my time.

Mr. ANTHONY. I should like to ask the gentleman from Illinois—

Mr. SHERLEY. No; the gentleman can not do that in my time.

Mr. BEALL of Texas. Is there anything in the law now that prevents this board of managers from prescribing a diet of butter if they see fit?

Mr. SHERLEY. Not the slightest.

Mr. BEALL of Texas. They are not compelled to use oleomargarine?

Mr. SHERLEY. No. What you are asked to do is to take the offhand statement of the gentleman from Kansas [Mr. ANTHONY], who undertakes to say that these managers of the homes have been derelict in their duty, and that they have given to the old soldiers food that ought not to be given to them.

The CHAIRMAN. The time of the gentleman from Kentucky has expired. All time has expired.

Mr. MOORE of Pennsylvania. I offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which will be reported by the Clerk. The Clerk read as follows:

Amend the amendment by adding the words "unless they are free from taint."

Mr. MOORE of Pennsylvania. Unless these various articles mentioned are free from taint—

Mr. SHERLEY. I suggest that debate is out of order.

Mr. MOORE of Pennsylvania. I submit I have the right to speak to my amendment.

Mr. SHERLEY. I submit that the gentleman has not.

The CHAIRMAN. The committee has closed debate.

Mr. MOORE of Pennsylvania. I ask unanimous consent that I may speak for two minutes.

Mr. SHERLEY. I object.

The CHAIRMAN. Objection is made.

Mr. MOORE of Pennsylvania. I wanted to help the gentleman, and I think possibly I could have done so. This is not a question of coloring; it is a question of getting cheaper food for people who are not able to pay for butter.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

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

The CHAIRMAN. The question now is upon the amendment. The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 37, noes 39.

Mr. ANTHONY. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. ANTHONY.

The committee again divided; and the tellers reported—ayes 41, noes 54.

Accordingly the amendment was rejected.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, \$86,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

For hospital, including the same objects specified under this head for the Central Branch, \$50,000.

Mr. ANTHONY. Mr. Chairman, I should like to ask what line the Clerk is reading.

The CLERK. Page 84, line 23.

Mr. ANTHONY. Mr. Chairman, I have an amendment which I should like to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert in lieu of the proviso in line 18, page 84—

Mr. FITZGERALD. I make the point of order that we have passed that.

Mr. ANTHONY. Mr. Chairman, there was so much confusion in the House that I was compelled to ask the Clerk what line he was reading on. I was endeavoring to hear, and I scarcely think the Clerk had read a line beyond the paragraph.

Mr. FITZGERALD. We have passed that part of the bill. What is it the gentleman wishes to do?

Mr. ANTHONY. There was a great deal of confusion. I wish to offer an amendment at the end of line 21.

Mr. FITZGERALD. What is the gentleman's amendment?

Mr. ANTHONY. In lieu of that proviso.

Mr. FITZGERALD. Let it be reported.

The CHAIRMAN. The Chair will state that he saw the gentleman from Kansas upon his feet while the Clerk was reading and rapped for order in order that the gentleman might be recognized.

Mr. FITZGERALD. Very well.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Kansas.

The Clerk read as follows:

Insert in lieu of the proviso in line 18, page 84, the following: *Provided*, That this appropriation shall not be available for the purchase of fuel oil at the western branch when the cost of the oil equivalent of coal is greater than the cost of coal."

Mr. FITZGERALD. Mr. Chairman, I make the point of order upon the amendment.

The CHAIRMAN. The Chair will hear the gentleman from Kansas on the point of order.

Mr. FITZGERALD. I will reserve the point of order.

Mr. ANTHONY. I do not believe a point of order lies against that proviso, for the reason that it is in line with the proviso that is now in the bill, and exactly similar to what has heretofore been held in order. It is a limitation having for its object economy in the expenditure of public money.

Mr. GARNER. What is the gentleman's purpose in offering this amendment?

Mr. ANTHONY. It makes it a little more explicit. I understand the gentleman from New York has simply reserved his point of order.

Mr. FITZGERALD. I have reserved it.

Mr. ANTHONY. Mr. Chairman, I should like to make a statement in regard to the amendment. The necessity for this limitation upon the bill is that a few years ago the board of managers at Leavenworth commenced to use fuel oil instead of coal. The statement was made at that time that by the installation of oil for fuel it was costing the Government a good many thousands of dollars more each year than it would if they had used coal for fuel. Since the last contracts were made, especially in the last two months, the price of fuel oil

has trebled, so that now it will be an absolute impossibility for the board of managers to use oil for fuel there, unless they deliberately squander not less than \$20,000 per annum of the public funds. I desire that limitation placed upon this paragraph in order to protect the Treasury to that amount.

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

Mr. ANTHONY. I will.

Mr. MANN. Is the coal produced right near there?

Mr. ANTHONY. The coal is immediately adjacent.

Mr. MANN. In the gentleman's district?

Mr. ANTHONY. In my district.

Mr. MANN. Is there any fuel oil produced in the gentleman's district?

Mr. ANTHONY. Fuel oil is produced at the refinery of the Standard Oil Co., 20 miles from there.

Mr. MANN. Oh, well, fuel oil is produced out of the ground, in the first place.

Mr. ANTHONY. Yes; but it is refined in the refinery of the Standard Oil Co.

Mr. LOBECK. What of it?

Mr. ANTHONY. What of it? It is very significant when it is the Standard Oil Co., and when it would take over \$13,000 more money out of the Treasury to use this by-product of the Standard Oil Co. than to use coal, the product of the labor of the miners near by who go down into the bowels of the earth and toil to produce this coal.

Mr. FITZGERALD. What the gentleman states can not be done and has not been done.

Mr. ANTHONY. Nevertheless it has, and I fear it will be done.

Mr. FITZGERALD. It will not with the provision in the bill, which is the very provision offered by the gentleman himself and adopted by the House.

Mr. ANTHONY. I will say that I have here a statement from the board of managers that it is their intention to use the oil at this branch for the coming fiscal year in spite of the fact of the statement that goes with it that oil costs \$13,000 more than coal.

Mr. FITZGERALD. Under the law they can not do that.

Mr. ANTHONY. Nevertheless they are going to do it, and justify it on the ground that it will compel some kind of a change in the steam plant. They expended \$10,000 three years ago when they changed the boilers from steam to oil, and now they claim that it will offset the increase in the price of oil if they have to spend a few hundred dollars to change it back.

Mr. FITZGERALD. Will the gentleman have read the letter for the benefit of the committee? Let us see what the board of managers say.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. I would like to know something about the history of this provision that is in the bill. As it appears in the bill, does the gentleman know at whose suggestion it was put originally in the appropriation bill?

Mr. ANTHONY. The present provision was inserted on my motion two years ago and adopted by the House, but it has failed so far to attain the object desired.

Mr. GARNER. Does the gentleman from Kansas undertake to say that they have, in violation of this provision, ordered fuel oil when coal could be used more economically?

Mr. ANTHONY. I believe it has been done in the past, taking into consideration the other expenses, and I know by figures furnished by the home authorities that if they continue it it will cost during the next year \$13,000 more than coal. That is shown by figures over the signature of the quartermaster of the home.

Mr. FITZGERALD. Will the gentleman state what the quartermaster says?

Mr. ANTHONY. It is a long statement. This is from Capt. Pearsall, quartermaster of the home. He speaks of the fact that the price of fuel oil has advanced lately to 2.68 a gallon, instead of 1.8, as it was last year. He gives the price at which coal can be purchased, and he says if a modern coal equipment was installed and the use of coal is resumed they could use slack or mine run. The chief engineer is of the opinion that it would be more economical for use under the boilers than screened lump, and that the foregoing estimate shows that it would be \$5,800 cheaper than screened lump per annum.

Mr. FITZGERALD. That statement is that certain things would be cheaper if some kind of a modern equipment was installed for mine-run coal. The gentleman has not stated all that is in the letter. Let us have all the facts in there.

Mr. ANTHONY. I will give the gentleman the facts.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

By unanimous consent, Mr. ANTHONY was given five minutes more.

Mr. ANTHONY. Mr. Chairman, this controversy between the use of oil and coal as a fuel has gone on several years. Figures making comparisons have been given by the officials, but the comparisons between oil and coal have been made based on the use of coal three years ago under the old worn-out boilers and under the old system of heat radiation. Three years ago they adopted oil for fuel and they immediately made improvements in the boilers, changing the method in radiation in the home, making a saving of 20 per cent. Then they took the cost of the fuel under the new system and compared it with the cost of the coal under the old worn-out system—an unfair comparison. Now that the price of oil has nearly trebled in value, the statement is made over the official signature of the quartermaster of the home that it is going to cost \$13,000 a year more to use oil, as compared with coal. I desire to secure justice for the coal miners of that district, as against the Standard Oil Co., who are trying to sell their by-product to the Government.

[Extract from report made to Board of Managers, showing comparison of coal and oil for fuel for use during the next year, made by Charles M. Pearsoll, quartermaster of the Western Branch.]

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
WESTERN BRANCH,
June 7, 1912.

SIR: I have the honor to acknowledge receipt of letter of the president of the Board of Managers, dated June 3, 1912, with your indorsement dated June 5, 1912, instructing that I proceed without unnecessary delay to make investigations relative to the cost of fuel oil and bituminous coal and report in detail regarding same. In reply, beg leave to submit the following report:

Transmitted herewith is a copy of boiler tests of fuel oil and coal, made by the Lincoln Traction Co., Lincoln, Nebr. The statements contained therein have been substantiated by the Metropolitan Street Railway Co., Kansas City, Mo., and the R. A. Long 20-story building at Kansas City. The Lincoln Traction Co. and Metropolitan Street Railway Co. are burning both oil and coal and have made very accurate and elaborate tests to determine the economies of each, and I therefore feel that the statement transmitted can be relied upon. These tests show the relative values of oil and coal to be 1 pound of oil equals 1.8 pounds of coal, therefore oil at \$2.68 per 100 gallons equals in evaporating qualities coal at \$4.06 per ton. This price of \$4.06 per ton must include all cost of handling coal, ashes, operation, and maintaining. The result of the investigations of the chief engineer and myself are therefore an opinion that coal can be used at the home more economically than fuel oil at the advanced price, provided modern and economical methods were installed for the burning of coal.

The quality of coal formerly used by the home was screened lump, which can now be purchased for \$2.54 per ton, delivered in the bins. I find that we can purchase slack or modified mine run (or screenings) for approximately \$2.25 per ton, delivered in the bins. According to the tests of the Lincoln Traction Co., substantiated by others, it requires 13.3 pounds of coal to equal 1 gallon of oil. On this basis it would require approximately 14,630 tons of coal to equal the amount of oil it is estimated will be required for the fiscal year 1913, viz. 2,200,000 gallons. However, the tests of the Lincoln Traction Co. and others was made on southern Kansas coal, which is much higher in heat units than Leavenworth coal. I would, therefore, estimate we would require 20,000 tons of coal for the fiscal year 1913, if used under modern conditions. From this I draw the following comparisons:

2,200,000 gallons fuel oil, at \$.0268 per gallon.....	\$58,960
20,000 tons slack or modified mine-run coal, \$2.25 per ton.....	45,000
Saving in use of coal.....	13,960
2,200,000 gallons fuel oil, at \$.0268 per gallon.....	58,960
20,000 tons screened lump coal, at \$2.54 per ton.....	50,800
Saving in use of screened lump coal.....	8,160

If modern equipment were installed I would recommend, if the use of coal were resumed, that we used slack or modified mine run.

Mr. GARNER. If I understand the gentleman, his contention is that in case his amendment is adopted it will save the Government \$13,000 a year?

Mr. ANTHONY. It will.

Mr. GARNER. If it was adopted, could you reduce the appropriation from \$87,000 to \$74,000?

Mr. ANTHONY. That appropriation could be so reduced, but I will say to the gentleman that it will cost some money to change the steam plant and the boilers over from oil to coal, but in the long run that would be an economy.

Mr. LOBECK. How much would that cost?

Mr. ANTHONY. Not over \$1,000.

Mr. LOBECK. You could reduce the appropriation \$10,000, then, and save money?

Mr. ANTHONY. Yes.

Mr. BARTLETT. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BARTLETT. This provision in the bill provides that they shall use coal if it is cheaper than oil. Does the gentleman say that the board of managers, in spite of an act of Congress, propose to use oil anyway when it is more expensive?

Mr. ANTHONY. That is my information.

Mr. BARTLETT. What is the use of a law if the board of managers are going to defy it?

Mr. ANTHONY. The proviso in the bill is not explicit enough.

Mr. BARTLETT. It is for men who want to obey the law.

Mr. ANTHONY. Where I say that the oil equivalent must not cost over the coal equivalent the board of managers, then, could not say as an excuse that it will cost so many thousand dollars to change the plant back for the use of coal.

Mr. BARTLETT. But the gentleman said that it would not cost over \$1,000.

Mr. ANTHONY. They say that it will cost more; they want to put in new boilers and complete new equipment. They have a lot of smokestacks, and so forth, and a long string of figures that would scare the House to death. But the figures are buncombe.

Mr. BARTLETT. The gentleman's amendment makes it mandatory to use coal?

Mr. ANTHONY. To use the cheapest fuel.

Mr. MANN. With which kind of fuel does it cost the most to feed the fire; with oil or with coal?

Mr. ANTHONY. To feed coal.

Mr. MANN. The gentleman's amendment does not contemplate that feature, does it?

Mr. ANTHONY. I said that there are incidental expenses in the use of coal, but taking into account all of them there would be a net saving to the Government.

Mr. BORLAND. Mr. Chairman, this amendment of the gentleman from Kansas does not seem to me to mean any more than the wording of the bill. But it does seem that its ultimate result would be to restrict the managers of the home in the purchase of coal and probably to the purchase of coal from the interests in the city of Leavenworth. There are three mines in the city of Leavenworth that produce a fair grade of coal, but, as compared with other coals produced in the Mississippi and Missouri Valleys, it is an inferior grade of coal. For all of the Government institutions located in Leavenworth—the soldiers' home, the penitentiary, and others—the coal produced in Leavenworth has a natural advantage in securing the contract, because of the fact of the low cost per ton, as it does not have any freight rate to pay. However, when measured by the heat producing power of the coal it can be competed with by coal or other fuel from the outside.

Mr. ANTHONY. Mr. Chairman, let me interrupt the gentleman there.

Mr. BORLAND. For a question.

Mr. ANTHONY. Is it not a fact that the adoption of the British thermal unit system in determining the value of the coal, such as the Government now uses, has eliminated all of this difference?

Mr. BORLAND. Yes.

Mr. ANTHONY. So that the Government buys only the heat units under any circumstances.

Mr. BORLAND. That is what I was going to say. Heretofore they have been buying coal from the Leavenworth mines because the price per ton was lower than the price per ton of coal that could be shipped in there or oil that could be shipped in there, but now, since the creation of the Bureau of Mines, the Government has adopted the British thermal unit system, by which it tests the value of fuel according to the heat-producing power. Under this British thermal unit system there are a number of coals from territory extending as far east as Illinois that can be put into the Leavenworth Government institutions at a cheaper price, considering the value as a heat producer, than the coal in Leavenworth. This provision in the bill is ample to permit the managers of the home to do that very thing. It says:

Provided, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

The words "more economically" must mean more economically according to the heat value of the coal.

Mr. ANTHONY. The gentleman will admit that there is no restriction that only the local coal shall be used there. It is any coal. That would be a matter to be determined.

Mr. BORLAND. If there is any difference between the gentleman's language and the language of the bill, I will point it out now. The language of his amendment is:

Provided, That this appropriation shall not be available for the purchase of fuel oil at the Western Branch when the cost of the oil equivalent of coal is greater than the cost of coal.

If the gentleman's language means anything different from the present language of the bill, it means that the net price per ton of the coal, regardless of its heat value, is to be taken as the equivalent of oil.

Mr. ANTHONY. Let the gentleman strike out the words "equivalent of coal." I will be glad to accept any amendment in order to clear it up.

Mr. BORLAND. I think what the gentleman wants is entirely covered by the bill. The board of managers have the right to say which of these particular fuels is more economical, taking into consideration the manner under which it is burned and the heat value after it is burned.

Mr. ANTHONY. Let me say to the gentleman that I do not think he will attain that object under the old language, because under the old language the board of managers was able to bring in a whole lot of other incidental expenses and then make a statement that on account of those expenses they can not use coal to advantage. I want to pin it right down to the absolute fuel equivalent of the British thermal unit system, or any system under which the Government can get one more unit of heat. That is what I want.

Mr. BORLAND. I do not know whether the gentleman is aware of it, but I have been fighting for the British thermal unit system for years before the departments, for the reason that the coal from mines located in the towns where the Government institutions are located has a natural advantage over all other coal when it is measured by the price per ton, but when you come to measure the heat unit producing value it does not have that advantage. The Government ought to adopt the same modern method that business men do, and buy its fuel according to its heat-producing value.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. FITZGERALD. Mr. Chairman, I would like to ask the gentleman from Missouri a question. I would like to be recognized.

The CHAIRMAN. The gentleman from New York is recognized. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Kansas to ask a question.

Mr. ANTHONY. Mr. Chairman, I would like to ask the gentleman from Missouri if it is not a fact under the Government's present system purchases are made only under the thermal unit system?

Mr. BORLAND. That has been only very recent.

Mr. ANTHONY. So that there is no discrimination in favor of freight rates.

Mr. BORLAND. It is only very recently that the Government has adopted that. The Government penitentiary contract which was let in October or September of last year was let in defiance of the thermal unit system.

Mr. ANTHONY. Let me say that all Government contracts are now let under that system.

Mr. BORLAND. The last contract let by a public institution in Leavenworth was let in defiance of that system.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted, and I base my opposition very largely upon the letter which the gentleman from Kansas [Mr. ANTHONY] used in support of his amendment. Under date of June 7 the quartermaster of the western branch of the National Soldiers' Home, in response to directions forwarded by the board of managers of soldiers' homes, made an investigation and inquiry as to the relative cost of heating this home by oil and gas. Some years ago the home, as I recall, was equipped to heat with coal, and the cost of heating it by coal, because of the conditions in the locality where the local dealers fixed the price to suit themselves, induced Congress to equip the home with oil-heating apparatus. Now, apparently the price of oil has gone up some, and in this letter the matter is gone into thoroughly, and it appears that out of the saving of \$13,960 a year which the gentleman states would be made by this change there must be deducted \$6,518, the cost of eight additional employees that will be required if coal is used. In addition to that it will require an expenditure of \$59,000 to permanently equip the home to use coal, and if it is to use it temporarily it necessitates an expenditure of \$16,000—

Mr. ANTHONY. If the gentleman is quoting from the papers I handed you—

Mr. FITZGERALD. I will not yield at the present time.

Mr. ANTHONY. I would like to have those papers back.

Mr. FITZGERALD. I will give the gentleman the papers. I will not yield now. And the quartermaster of the home makes the statement that he would not recommend to the board the introduction of a makeshift equipment in order to temporarily use coal unless there were assurances that the \$59,000 additional required for equipment be furnished. Now, it may not please the gentleman to have me quote the facts which I asked him to state to the House—

Mr. ANTHONY. Will the gentleman permit an interruption?

Mr. FITZGERALD. When I finish this statement, and not before—

Mr. ANTHONY. All right.

Mr. FITZGERALD. But the gentleman was basing his statement upon this letter, and as it has never been called to the attention of the committee, as the same provision was continued in this bill that was inserted on the motion of the gentleman himself, I believed the committee at least was entitled to all the information furnished by the quartermaster of the home, and upon that communication this committee would not be justified in making this change in compelling, as it is the intention there, the use of coal and necessitating this additional expenditure, regardless of what might afterwards be necessary. As it appears from this communication, the quartermaster suggested—I am not quoting accurately, and if I do not the gentleman can correct me; I would, if I had the letter, read what he said—the desirability of waiting until the entire matter could be submitted to Congress. Now I yield to the gentleman from Kansas.

Mr. ANTHONY. The quartermaster makes this statement in this letter: That the net saving on coal used during the coming year, compared with oil, will be thirteen thousand and some odd hundred—

Mr. FITZGERALD. Out of which must be deducted the \$6,500 for additional employees which the gentleman from Kansas—

Mr. ANTHONY. Will the gentleman permit—

Mr. FITZGERALD. No; I will not permit the gentleman to make a speech.

Mr. ANTHONY. I trust the gentleman will do me the courtesy to allow me to complete my question, and I think the House will agree with my opinion.

Mr. FITZGERALD. Well, I will not permit the gentleman to make the remarks I wish to make. I stated that the gentleman overlooked the \$6,500 which was stated had to be deducted from the \$13,000, because additional employees would be required; and if the gentleman had been franker with the House when he purported to furnish information contained in that letter, and stated the facts as they were, it would not have been necessary now for him to take the time to furnish the information he suggests when I am making this statement. Mr. Chairman, it appears very clearly that, instead of a saving next year, it would involve a very large expenditure not now contemplated and not provided. The gentlemen in charge of these soldiers' homes, wherever conditions have made it desirable, have presented the facts to Congress showing where economies could be effected, and Congress has never hesitated to authorize the expenditures necessary. In view of these facts, I hope the amendment will not be adopted.

Mr. Sisson. Mr. Chairman, I think the amendment offered by the gentleman from Kansas ought not to be adopted because the language used in the bill is the only sensible language which could be used in reference to the administration of any institution on business principles. If the amendment were adopted in the exact language as I caught it when it was read, if it is adopted, I say, during the few months that the price of coal would be high it would necessitate by a construction of this amendment that you would have to go back to oil. It would necessitate the maintaining of both an oil and a fuel plant. Is not that the amendment of the gentleman?

Mr. ANTHONY. Contracts are made for one year.

Mr. Sisson. If you take the exact language of your proviso it would mean that at any time when coal was cheaper than oil that coal should be used, and that if oil should be cheaper, vice versa. In other words, it means that you should maintain both an oil plant and a coal plant and you would have to keep and maintain a parity between the two all the time when a contract went in.

Mr. ANTHONY. All the large manufacturing institutions in our country do that.

Mr. Sisson. Mr. Chairman, I decline to yield. Now, under the language of this bill, taking all matters into consideration, the management of the homes are presumed to be honest, presumed to do that which is best, presumed to use the money that the Government has given them in order to obtain the very best possible results and the most economical results. Now, they are compelled to do that under this bill as it is drawn; but if you take the gentleman's amendment it would deprive them entirely of any sort of discretion as to the use of fuel, provided the thermal unit cost would be cheaper in one instance than in the other. And as the thermal unit cost would vary you would have to vary the use of fuel which would necessitate the maintenance of both an oil plant and a fuel plant, and for that reason the committee thought it was

wise to leave it just as the language in the bill now is, because we believe by that we will obtain the greatest amount of economy, irrespective of where the fuel might be purchased, irrespective of whom it might be purchased, because the Government wants to get the greatest amount of use out of the number of dollars it expends for the home.

Mr. ANTHONY. Mr. Chairman, I think the statement made by the gentleman from Mississippi is quite correct. It is true under that construction the Government might be required to change from oil to coal and from coal to oil, but let me say that every big manufacturing plant in that part of the country has duplicate coal and oil plants, and when they can manufacture steam cheaper by the use of oil they use oil, and vice versa with coal. Therefore it is good business that the Government should install the same kind of a duplicate plant, so that either oil or coal can be used, whichever happens to be the most economical.

Now, I want to say just a word in regard to the statement made by the gentleman from New York [Mr. FITZGERALD] in relation to the cost of these fuels. I made the statement that if coal were used it would be \$13,000 cheaper the coming year. The quartermaster of the home makes the same statement, and also makes the statement that it will be necessary to expend \$59,000 to improve the steam plant for the use of coal, and I want to leave it to this House if it is not a good proposition to expend \$59,000 to make an annual saving of \$13,000. The Government gets a net profit of 20 per cent per annum on the investment, and that is the way to administer the business of the Government.

Now, I do not really believe that it is necessary to spend this \$59,000 to improve the steam plant. I believe that it is a straw put in by the men who are advocating the use of oil in order to block the use of coal. I do not think it is necessary to spend more than \$1,000 to change the boilers in that institution for the temporary use of coal. I hope the House will go on record for economy.

Mr. SIMS. Why not read that entire statement to the House, so that we can have the whole?

Mr. ANTHONY. I will put it in the Record.

Mr. SIMS. But we want to hear it before we vote.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Mississippi?

Mr. ANTHONY. Yes.

Mr. SISSON. Does the gentleman object to having that letter printed in full in the Record?

Mr. ANTHONY. No; I will put it in.

Mr. SIMS. The trouble is that we ought to hear it before we vote. It will be too late after it is printed.

Mr. MANN. Oh, if we read everything we will not reach a vote on this bill until September.

Mr. ANTHONY. Mr. Chairman, I have made a charge on the floor of this House that representatives of the Standard Oil Co. originally induced the change from coal to oil in that home. I want to read the statement from the man who was engineer at the home at the time that change was made. That gentleman says:

In 1892 we put stokers under the boilers at the home, and these same stokers worked with good results up to about 1903, when from constant use and hard service they became worn out and burnt, which caused a loss of coal through the grate bars.

In making up my estimate of supplies for 1904, I included in it castings to renew the grates, etc., but either the quartermaster or the governor cut it down to mere nothing, and I had to do the best I could with what was allowed.

In making up my estimate for 1905, I again included castings and repairs for the furnaces, but it was again cut so that I could not do much toward repairing furnaces that had been in use for 13 years.

In making up my estimate for coal this year, I estimated for 18,000 tons, but the governor insisted upon the quartermaster increasing it to 22,000 tons. I protested against this increase and requested that the tonnage be cut and the difference be put in repairs to the plant, but the quartermaster said if we did not use the coal we could use the money otherwise. As I considered this illegal, I still protested, but it went in at 22,000 tons. During this year we consumed about 18,000 tons.

When the board of managers saw the enormous amount of coal estimated for, they decided to make an inquiry into the matter, so they engaged an expert to make some tests.

This expert came to the home on Saturday about noon. All that afternoon he did nothing but walk over the grounds. The next day, Sunday, we spent at Fort Leavenworth sight-seeing, etc. Monday morning about 9 o'clock he came to my office and for several hours we discussed the needs of the plant again. In the afternoon we went over the plant together, and I informed him of a number of improvements I wanted to make in the plant. About 4 o'clock he packed up and we came to Leavenworth to catch a train, but missed it, and we went to the Elks' Club and played pool until the next train, about 8 o'clock p. m.

Before he left the home he picked a bottle of coal from the pile in front of the boilers, and I noticed he was very anxious to select only the worst samples.

During all his conversation his idea seemed to be to recommend that the board expend about \$100,000 on the plant, as he said he wanted to make \$5,000 out of the job. I insisted that the improvements actu-

ally necessary could be done for one-quarter of the amount he proposed to recommend. He appeared to be very much displeased at my remark and said I ought to get all I could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] asks for five minutes more. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman right there?

The CHAIRMAN. Does the gentleman from Kansas yield?

Mr. ANTHONY. Yes.

Mr. BARTLETT. By whom was the inspector appointed?

Mr. ANTHONY. This was an inspector appointed by the board of managers. He was sent there to lay the grounds for changing from coal to oil.

Mr. BARTLETT. Does he give his name?

Mr. ANTHONY. No; he does not give his name. There was only one inspector ever sent there, that I know of, employed by the board.

Mr. BARTLETT. Only one?

Mr. ANTHONY. Yes.

Mr. BARTLETT. Did the gentleman ever complain to the board of managers about this inspector? Does the board of managers know of the imperfect way in which the inspector has inspected that situation?

Mr. ANTHONY. I think they accepted the report of this inspector at par value.

Mr. BYRNS of Tennessee. Was he regularly employed, or was he a special inspector?

Mr. ANTHONY. I think he was a special inspector. This statement proceeds:

When his report was made there was not one recommendation except those that I had made to him.

In his report he intimated that the plant could not consume the amount of coal purchased. This was investigated by the inspector general and every ton of coal accounted for.

He claimed to have tested the coal, and his report gave the heat units considerably less than other Government tests; in fact, his aim seemed to be to condemn Leavenworth coal, and make \$5,000 out of the job of preparing plans for improving the plant. In his conversation with me he said he considered I was doing extraordinary well with such an old plant.

This expert charged the home \$50 per day for 10 days, and the only thing in his report that I had not already reported to the local officers was his condemnation of the Leavenworth coal.

There was nothing done in this matter for about six months, when the plan of using oil as fuel was taken up and its use finally adopted.

Now, Mr. Chairman, I believe there are ample grounds for this House taking action and limiting this paragraph in the appropriation, so that the cheapest fuel to the Government shall be used in that institution. I hope the House will stand for its record for economy by putting that limitation on the bill.

Mr. MANN. Mr. Chairman, I have heard the affidavit, if it is an affidavit, read by the gentleman—

Mr. ANTHONY. It is a statement—

Mr. MANN. And I should say it bears upon its face the imprint of a liar. Is the gentleman who made that affidavit now in the employ of the Government or has he been discharged?

Mr. ANTHONY. The gentleman is not now in the employ of the Government, or he undoubtedly would not make the statement. The gentleman from Illinois is entirely unwarranted in imputing the word "liar" to any man mentioned in debate on the floor of this House. It is entirely unbecoming his leadership in this body to stand here and make use of that word.

Mr. MANN. I think the affidavit bears on its face the imprint of exactly what I said, made by a discharged employee. My friend from Kansas has repeatedly, upon the floor of the House, in reference to the Soldiers' Home at Leavenworth, assaulted the board of managers. Whether or not there are any personal feelings involved I do not know, and whether or not his charges are true I do not know.

Mr. ANTHONY. What does the gentleman mean by the word "assaulted"?

Mr. MANN. Exactly what I say.

Mr. ANTHONY. Is it the business of a Member to criticize when he finds ground for criticism?

Mr. MANN. It is perfectly proper.

Mr. ANTHONY. That is the function I assume in this House.

Mr. MANN. It is perfectly proper. I did not criticize the gentleman for criticizing the board of managers from his point of view.

I do not believe that the assaults have been justified. Usually these things come from some personal feeling. Whether that is the reason in this case I do not know. Sometimes they come because Members are not permitted to control appointments in places in their districts. I do not know that that is the fact in this case; but the gentleman from Kansas [Mr. ANTHONY]

has repeatedly, on this and former occasions, made charges against the board of managers which if true ought to have caused the removal of the board of managers; and which if not correct ought not to be made on the floor of the House.

Mr. ANTHONY. I should like to ask the gentleman if there is not a paragraph in this bill that seeks to remove a large part of the board of managers by cutting down the board membership?

Mr. MANN. Yes.

Mr. ANTHONY. Does not that afford ample ground for the assumption—

Mr. FITZGERALD. It does not remove anybody from the board of managers.

Mr. MANN. No; it does not afford ample ground. The paragraph in the bill is for the purpose of reducing the number of managers as vacancies occur, not on the ground of incompetent management, but on the ground that there is no necessity for so many men on the board of managers.

Mr. ANTHONY. Let me say to the gentleman that ample ground exists, and if he wants the ground given here, I can give him the real reason for the reduction in the number of the board of managers. It may reflect on some of his friends from Illinois. I do not desire to be as personal in referring to the friends of the gentleman from Illinois as he has been to my Kansas friends.

Mr. MANN. The gentleman need not hesitate on my account.

Mr. ANTHONY. I have got the goods.

Mr. MANN. The gentleman need not think he will trouble me by naming anyone.

Mr. ANTHONY. I have got the goods on the gentleman from Illinois's member of the board.

Mr. MANN. Produce the goods. I do not even know who the gentleman is on the board of managers. You can not frighten me. I say that in my judgment the assaults which the gentleman has made repeatedly on the floor of the House in reference to the soldiers' home there are entirely unjustified by any evidence which he has produced to the House.

Mr. ANTHONY. I should like to ask the gentleman if it is not true that one of the motives which actuated the Committee on Appropriations in reducing the membership of the board was the misconduct of some of the members of that board.

Mr. MANN. I do not know. I do not know what the motives of the Committee on Appropriations may be or may have been.

Mr. FITZGERALD. Mr. Chairman, there was no such motive or intention. The reduction was made because the statement was made that it would be more desirable and more effective to have a board of five men than to have the present board of nine men. There was no reflection intended on any member of the board. If the committee had believed what the gentleman from Kansas states, it would have abolished all the board to get rid of those men. It would not have hesitated—

Mr. MANN. So far as the administrative features of it are concerned, if I had my way I would completely abolish that board and every other board that has administrative functions under the Government.

The CHAIRMAN. Does the gentleman from New York withdraw the point of order?

Mr. FITZGERALD. Yes; I withdraw the point of order.

The CHAIRMAN. The question is on the adoption of the amendment.

The question being taken, the amendment was rejected.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, \$6,120.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 58, after line 11, by inserting:

"For combined chapel and memorial hall, \$37,500."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not authorized by law.

Mr. BURKE of South Dakota. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. I reserve it.

Mr. BURKE of South Dakota. Mr. Chairman, in support of this amendment I want to bring to the attention of the committee what the board of managers of the soldiers' homes have said relative to this appropriation. The item was transmitted in a supplemental estimate by the Secretary of the Treasury under date of January 2, 1912, and with reference to it is a statement from the president of the board of managers, who has been referred to and eulogized here to-day by the distinguished chairman of the Committee on Appropriations [Mr. FITZGERALD],

and also by the gentleman from Kentucky [Mr. SHERLEY], a man who was not only for a great many years a Member of this House, but for a long time was chairman of a very important committee, the Committee on Agriculture. That gentleman, Mr. Wadsworth, states as follows:

Referring to section 4 of act approved June 22, 1906, I have the honor to state that this item was omitted from the regular estimate for the support of the National Home for Disabled Volunteer Soldiers for the fiscal year 1913, forwarded August 8, 1911, for the reason that at that time the urgent necessity for the building was not fully apparent. The number of members present at the sanitarium August 8, 1911, the date that the regular estimate was forwarded, was 296. On December 10, 1911, it was 430, an increase of 134. The chapel and the amusement hall are now located in sanitarium buildings and the space thus occupied is urgently needed for the increased number of patients requiring treatment.

The appropriation is believed to be imperatively necessary to carry out the purpose for which the sanitarium was established.

In the hearing before the committee with reference to this home and this item it appears in the testimony of Mr. Wadsworth that in submitting the estimates for 1913 the board reduced the amount \$58,122 below the amount appropriated last year for the same purposes. Maj. Harris, another member of the board, testified as to the necessity for this additional appropriation, and I will read a portion of what he stated:

The original plan for the sanitarium as approved did not provide for a chapel. When the necessity for some place in which religious services might be held became evident a room which had been designed as a dormitory for employees was devoted to the purpose. This room is small and inconvenient, as regards location and shape. It is also important that there should be some place in which convalescent patients and those whose ailments do not confine them to their beds can assemble for entertainments. This building is designed to supply these urgent needs. It will also permit the room in which chapel services are now held to be used for the purpose for which it was designed, and for which it is much needed. Gen. Barry is fully conversant with this matter.

A very distinguished member of the board, a gentleman residing in the State of Nebraska, and selected for the position by the present Congress, was before the committee. I refer to Gen. Barry, and he stated:

This building is really a necessity, and it is believed that it will enable us to accommodate 100 more patients. By removing the amusement hall in the basement we think it will accommodate 100 more patients without any increase of cost.

Then he goes on further and states that this additional room will make it possible for the convalescent men to have a quiet place where they may read. Then he says:

This institution has grown to a large membership, because it is peculiarly adapted to the treatment of old men's complaints. It is well adapted to the treatment of bladder troubles, to which old men are subject. This building is really a necessity, and it is believed that it will enable us to accommodate 100 more patients. By removing the amusement hall in the basement, we think it will accommodate 100 more patients without any increase of cost. The same medical staff can care for them. At the present time orders for admission are extended by reason of the crowded condition of the sanitarium. If we had this additional building, we could take care of 100 more men. The library is in the rear of the chapel. We need the room the chapel occupies for a mess room for the civilian employees, numbering about 72, who now dine in the mess hall for members of the home. If we had this room that the chapel occupies now, it would enable us to feed the civilian employees in a mess hall and remove them from the main mess hall. I suppose we will use a part of this building for a library and reading room. The convalescent men should have a quiet place there to read. There is a great deal of reading done there, because these men go there for treatment, and they have to occupy their time in one way or another. Some of them amuse themselves in the amusement hall, but a great percentage of them are readers. The institution has grown a great deal during the last two years, and they cared for in the past year 750 members. The percentage of the improved is 81 and the unimproved is 9 per cent. The sanitarium is a credit to the Government and is doing good work. I think the building asked for is very much needed, and will supply something that is very much required in that institution. At the present time the chapel is unable to accommodate the men who attend divine services there. For that reason we ask this appropriation for the building.

As to what the results have been upon old soldiers that have been in this sanitarium, I want to say that the reports show:

Number of members present July 1, 1910.....	264
Gained by admission, readmission, and transfer to Mar. 24, 1911.....	425

Total number cared for from July 1, 1910, to Mar. 24, 1911.....	689
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Number of members present Mar. 24, 1911.....	288
Number of members discharged and transferred during the above period, with the following results.....	432
Improved and cured, 370.....	per cent. 0.857
Unimproved, 30.....	do 0.069
Died, 32.....	do 0.074

Number of members present July 1, 1911.....	277
Gained by admission, readmission, and transfer to Mar. 24, 1912.....	483

Total number cared for from July 1, 1911, to Mar. 24, 1912.....	760
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Number of members present Mar. 24, 1912.....	392
Number of members discharged and transferred during the above period, with the following results.....	373
Improved and cured, 304.....	per cent. 0.816
Unimproved, 36.....	do 0.096
Died, 33.....	do 0.088

Mr. Chairman, I am in favor of economy. I am in sympathy with the Committee on Appropriations in their endeavor to keep

appropriations down to the lowest possible point, but I do not believe that we ought, in the name of economy, embarrass and cripple an institution that is doing the work that this institution is doing and has done, for the purpose of saving a few dollars, especially when the expenditure of the amount will contribute to the welfare and comfort mostly of survivors of the Civil War.

All of the testimony from those who have been before the committee is in favor of the appropriation, and I hope that the distinguished gentleman who has reserved the point of order will not make it, but that he will permit the amendment to be inserted in the bill.

Mr. FITZGERALD. Mr. Chairman, the action of the committee is not only easily explained, but it is justifiable. The testimony was to the effect that the attendance at the soldiers' homes will fall off very rapidly in the immediate future. One of the arguments made in favor of the increased pension bill was that if men could have a little larger pension they would prefer to live at home rather than in the soldiers' homes. The general attendance at the homes during the last year has been less than the year previous. Congress within a year or two will be facing the necessity of determining what disposition to make of some of these homes. In view of these facts and that the necessity for this particular chapel did not appeal to the board of managers when making up the estimates, and in one other home where a request was made for a chapel, the committee thought it would not be advisable at this time to add any further buildings at any of these homes.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. The gentleman is aware of the fact that this is a sanitarium, and that its attendants come from all soldiers' homes throughout the country, and that it will have inmates just as long as there are homes anywhere in the country.

Mr. FITZGERALD. The gentleman knows that it is in a bleak, cold place. It never would have been put there at all if it had not been for the presence of certain supposedly beneficial springs. It is used now largely as a sanitarium for old soldiers afflicted with tuberculosis, but it is not nearly as desirable or advantageous for that purpose, from the information that the committee has, as the home at Johnson City, Tenn.

Mr. BURKE of South Dakota. I will say to the gentleman that I think it has been fully demonstrated that every claim that has ever been made has been fully justified by the records of the recoveries of those who have been sent there for treatment.

Mr. FITZGERALD. The purpose of the amusement hall and chapel is to provide additional accommodations, to enlarge that particular home, when at present there is ample accommodation even for tuberculosis patients.

Mr. BURKE of South Dakota. The hearings do not sustain that contention.

Mr. FITZGERALD. But that is the fact.

Mr. BURKE of South Dakota. How are we going to ascertain the facts except from the hearings?

Mr. FITZGERALD. I think the gentleman read the portion of the hearings that stated that the building of a combined chapel and amusement hall would furnish accommodations for 100 additional persons, and that the place now utilized for that purpose would be used for other purposes.

Mr. LOBECK. Mr. Chairman, the home at Hot Springs, S. Dak., is one of the later homes. It is where men go to have treated diseases peculiar to old men. They come from all over the West and from all parts of the country. It has been a healthful place to those seeking to regain health. It is not a bleak place, as stated by the gentleman from New York. The gentleman from New York probably has never been there. The recoveries and improvement in health, as shown by the hearings, amount to 81 per cent.

I have known Hot Springs, S. Dak., since it was first opened up as a resort for health, when people had to go 100 miles by stage from the railroad to get there. It has been a resort that is health-giving to all people suffering from disease, and especially beneficial to the old soldiers who go there. It is shown by the hearings here and from what Gen. Barry said, that by erecting a chapel room would be given for 100 more inmates at the sanatorium, and there has been a large increase of patients in the last two years. Any man familiar with the country, with the health-giving properties of the springs, knows that it is a place that men would like to go. The veterans need more room.

I had a letter from Gen. Barry stating the necessity for a chapel; he has had experience for over 20 years with the soldier veterans in Nebraska, holding the position of adjutant general for years. He is a man whose word is good everywhere; he is

an old soldier—a battle-scarred veteran of the Civil War. He was twice wounded severely in battle, losing his arm in the defense of the flag, and he is asking for this improvement, this new chapel, for the comfort and the good of the veterans and old soldiers who come to the home for treatment. I hope that the amendment offered by the gentleman from South Dakota will be adopted.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

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.

Mr. BURKE of South Dakota. Mr. Chairman, I make the point of order against the paragraph, lines 12 to 17, page 89, that it is legislation.

The CHAIRMAN (Mr. RODDENBERY). Will the gentleman state his point of order.

Mr. BURKE of South Dakota. It is legislation changing existing law.

Mr. FITZGERALD. Mr. Chairman, it is legislation; but I insist that it is in order under the rule because it retrenches expenditures and reduces the compensation of officers paid out of the Treasury.

Mr. ANTHONY. How much salary do these gentlemen get?

Mr. FITZGERALD. They get nothing, but each has an allowance for clerical service, and the abolition of the place discontinues the clerical service also.

Mr. BURKE of South Dakota. Is there any reduction in the appropriation in the bill for the expenses of the managers of the soldiers' home by reason of this paragraph?

Mr. FITZGERALD. The rule does not require a reduction on the face of the bill.

Mr. BURKE of South Dakota. I am not asking that. I am asking if there is any reduction in the bill on account of this paragraph.

Mr. FITZGERALD. No; because the committee did not want to assume that any of these places would be vacated next year either for unanticipated or natural cause.

Mr. BURKE of South Dakota. I will say that these members receive no salary.

Mr. FITZGERALD. Yes; but in line 5, on the same page, the clerical service for the various managers is provided for at \$4,500. By the reduction of the number of managers the compensation of the clerical services must necessarily be reduced.

Mr. BURKE of South Dakota. It is an assumption to say that the clerical services will be reduced. You will have the same organization; you will have a treasurer; you will have a secretary and have the same force that you have at the present time.

Mr. FITZGERALD. Each member is allowed \$500 for clerk hire, and a reduction of the membership by four reduces it \$2,000.

Mr. BURKE of South Dakota. The clerical services for the managers in this bill is \$4,500. If there were three, they would have \$1,500 apiece, and if there were five they would have \$900 apiece. I do not think there is anything on the face of the paragraph which reduces expenses.

Mr. FITZGERALD. I think the gentleman is clearly mistaken about that.

Mr. BURKE of South Dakota. I will ask the gentleman if he can tell how many members there are on the board at the present time.

Mr. FITZGERALD. I think the number of members authorized is nine.

Mr. BURKE of South Dakota. Are there nine members at present?

Mr. FITZGERALD. I do not recall.

Mr. BURKE of South Dakota. Then there are only seven on the board at the present time, so that they would receive more than \$500 a member. If there are only seven members on the board and this item was put in the bill, why was the appropriation for this purpose not made \$3,500 instead of \$4,500?

Mr. FITZGERALD. Because under the law, unless the law be changed, those vacancies might probably be filled.

Mr. BURKE of South Dakota. But evidently the gentleman expected to put in an item providing for the nine members. Why did he not reduce the appropriation?

Mr. FITZGERALD. If the gentleman thinks that is desirable, we would be very glad to do it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. There is an appropriation, I believe, providing for traveling expenses of this board of managers.

Mr. FITZGERALD. Yes; there is an appropriation for traveling expenses.

Mr. MANN. Do they all travel now?

Mr. FITZGERALD. Every one of them. The result of this provision is not only to reduce the expenditures for clerical services, but, as I have called to the attention of the Chair, it also reduces the expenditure for traveling of the board.

The CHAIRMAN. The Chair will inquire of the gentleman what retrenchment, outside of the item of \$16,000, in line 8, page 89, it is the gentleman's contention this would work?

Mr. FITZGERALD. There is the traveling expense of the board. They are all allowed traveling expenses.

The CHAIRMAN. That is the item of \$16,000, is it not?

Mr. FITZGERALD. Lines 5, 6, 7, and 8.

The CHAIRMAN. Does the gentleman from South Dakota desire to be heard further upon the point of order?

Mr. BURKE of South Dakota. I do not. I think it is legislation, and I do not think that you can assume that it will reduce the expenditure. The expenditures may be more.

The CHAIRMAN. In the opinion of the Chair on the point of order, the Chair taking cognizance of what the existing law is touching the expense of the board of managers, and as it appears in this bill, it appearing that a reduction in the number of the members of the board of managers would carry necessarily a reduction of expenditures to that extent, being measured by the extent to which the number might be reduced, the point of order is not well taken, and it is therefore overruled.

Mr. ANTHONY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, in lieu of line 12, page 89, up to and including line 17, the following:

"That upon January 1, 1913, after the passage of this act, the powers heretofore vested in the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be vested in the Secretary of War, and the administration of the laws providing for the operation and regulation of said home shall be under the jurisdiction of the War Department. The Adjutant General, Inspector General, Quartermaster General, Commissary General, and Surgeon General, each, under the direction of the Secretary of War, shall perform such portion of the work of administration as shall appropriately fall to the respective bureaus of the War Department; that upon January 1, 1913, after the passage of this act, the terms of office of the various members of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall cease and all title to property and authority heretofore vested in said board shall pass to the Government of the United States; that such provisions of existing law as are in conflict with the provisions of this act are hereby repealed."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. In the first place, it is not germane to the provision in the bill. In the second place, one of the earliest rulings made under the Holman rule was that a provision transferring authority from one officer to another was in conflict with the rule. I refer to the proposed transfer of the work of the Indian Office to the War Department. That decision was made a great many years ago.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. ANTHONY. Mr. Chairman, I believe that if the provision which has just been ruled in order reducing the membership of the board to five members is in order, then the provision which I have offered is also in order. If the previous provision is in order under the Holman rule as effecting an economy of not more than a few hundred dollars, I submit that my amendment which makes an apparent economy at once of \$62,500 must be in order under the Holman rule. The objection made by the chairman of the Committee on Appropriations I do not believe to be pertinent. The reference to the previous ruling is upon a transfer of authority from the Indian department to the War Department. That was a transfer from one department of the Government to another. This is a transfer from one bureau of the War Department to another, because the Secretary of War is now an ex officio member of the present Board of Managers of the Soldiers' Home.

Mr. MANN. Mr. Chairman, on the point of order the reference of the gentleman from New York was not a happy one. The fact is that it was ruled in order to transfer the Indian Office to the War Department.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. MANN. I am perfectly willing to argue with the gentleman about that, but I have both rulings in my hand.

Mr. FITZGERALD. I think the Chair has the ruling.

Mr. MANN. I doubt whether the Chair has. A section was offered that the management of all Indian affairs and of all matters arising out of Indian relations be and the same is hereby transferred from the Department of the Interior to the War Department, and was placed under the Secretary of War agreeable to such regulations as the President may prescribe, and so forth. That amendment was held out of order under the Holman rule, but in the same Congress, a new amendment having been prepared, was held in order:

That the office of the Commissioner of Indian Affairs is hereby abolished and the salary heretofore paid to such officer shall cease, and the offices of superintendents of Indian affairs, clerks to the same, of agents and special agents, interpreters, inspectors, and all other employees of the Indian Bureau are hereby abolished and the salary heretofore paid to such officers, respectively, shall cease; and the duties now intrusted to and performed by said officers of every kind and description shall be performed by officers, soldiers, and employees of the Army under the direction of the Secretary of War, and they shall receive no additional pay by reason of the performance of the duties aforementioned thus transferred to them, etc.

In the one case it was held that the mere transfer of the duties from one office to another, the management of Indian affairs from the Indian Office to the War Department, contemplated additional officers in the War Department, and there was no pretense that it might not cost as much in the War Department as in the Indian Office, but in the other the officers of the Indian Office were abolished, the duties were placed upon the Secretary of War and the War Department, and it was held that the amendment was in order. I do not care to detain the House. I have quite a lot of these precedents here, which I keep for handy reference.

Mr. CANNON. Mr. Chairman, I think this point of order is well taken. The National Soldiers' Home is authorized under law. The board of managers serve without compensation. I do not care to discuss the merits of this amendment if it were in order, but it transfers this service to the War Department. That is legislation, and it does not appear that it reduces expenditures. On the contrary, if it were to enter into the domain of argument it would greatly increase expenditures.

Mr. ANTHONY. Will the gentleman permit a question?

Mr. CANNON. Certainly.

Mr. ANTHONY. Does not the gentleman admit on the face of the proposition that you save the entire expense of the present board of managers—

Mr. CANNON. The entire expense—

Mr. ANTHONY. Amounting to \$62,500?

Mr. CANNON. The entire expense of the present board of managers, as the gentleman states, amounts to \$62,500; but what is the entire expense, if you transfer it to the War Department, with its extraordinary allowance for travel pay, with its largely increased clerical services? It does not seem upon the face that it will retrench expenditures, and it does change existing law.

Mr. ANTHONY. Mr. Chairman, may I say one word on the question of retrenchment of expenditures to bring it within the rule? It is apparent to all that the abolishment of the board of managers would save every cent of the appropriation for the expenses of the maintenance of this board, the amount carried in this bill being \$62,500. My contention is that the work now being done by the board of managers is administrative in its character; that that administrative work could be done by the Secretary of War and his bureau officers without an additional dollar of expense on the part of the Government. For instance, the quartermaster's work of the soldiers' home will be taken up by the Quartermaster General's Department; the Inspector General of the Army would have his share of the work; the Commissary Department would have its share of the work; the Surgeon General's Department would have its share of the work; so there is no question but what there is a marked economy effected under this provision.

The CHAIRMAN. The Chair is prepared to rule. The amendment offered by the gentleman from Kansas shows a most serious objection relating to its germaneness. In addition to that the Chair is unable to ascertain upon the face of the amendment that it would retrench expenditures. It is clearly new legislation, and unless it can be brought under the provision for the retrenchment of expenditures it would necessarily go out although it might be germane. The Chair finds it does not come within the terms of the Holman rule and that it is further subject to the infirmity of not being germane. Therefore, the point of order is sustained.

The Clerk read as follows:

UNDER THE DEPARTMENT OF THE INTERIOR.
PUBLIC BUILDINGS.

Repairs of buildings, Interior Department: For repairs of Interior Department and Pension Buildings, and of the old Post Office Depart-

ment Building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, \$30,000, of which sum not exceeding \$7,500 may be expended for day labor, except for work done by contract.

Mr. SHARP. Mr. Chairman, I move to strike out the last word. In connection with this subject, although the matter of appropriation for unfinished public buildings, and so forth, has passed by in reading the bill, I trust I may be permitted at this time to present to the membership of the House some figures I have compiled as a result of my examination of the report of the Secretary of the Treasury made within the past two weeks in answer to the request of the chairman of the Committee on Appropriations, which report seems to me throws a flood of light upon extravagances that we are permitting in the erection of Federal buildings in places not at all justified by conditions. I am not going to name any specific places enumerated in this bill. The report of the Secretary of the Treasury just referred to, setting forth with much completeness this information, has already been incorporated in the RECORD, and those interested can make reference thereto. The chairman of the Committee on Appropriations has just told me that the United States Government to-day is paying for rentals for buildings used under the Department of the Interior about \$60,000 a year, and that the total amount of rentals to-day paid for buildings the Government does not own is upward of \$600,000 per annum in the city of Washington alone.

Now, it seems to me, gentlemen, that, if we are paying this vast sum of \$600,000 per annum in rentals for buildings that the Government ought to own, it is worth our while to turn our attention to the situation so as to provide buildings for our use in the city of Washington, or elsewhere, instead of spending eight or ten millions of dollars per year where they are not justified or needed. Many years ago a distinguished Secretary of the Treasury, who came from the district I have the honor to represent, is quoted as having made a remark with reference to the feasibility of the resumption of specie payments that the way to resume was to resume, and I might say that it occurs to me that the way to economize is to economize. I listened a while ago with considerable interest to nearly one hour's discussion on this floor of an insignificant item which involved a possible net saving of \$6,000 a year. That is worth while; and I have no criticism of the gentleman who offered that amendment. It is certainly worth while to save even that amount of money, but it seems to me that if we should turn our attention earnestly and with a full desire to bring about a real economy in the administration of our Government we could easily find a place where we might properly save, not \$6,000 a year, not \$600,000 a year, but \$10,000,000 a year—the upkeep of which amounts to at least \$1,000,000 and—

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

Mr. SHARP. Certainly.

Mr. SIMS. Is it or is it not a fact that here the Government makes long leases and provides, perhaps, contracts running into a number of years? As to that, myself, I do not know.

Mr. SHARP. I will refer the gentleman to the distinguished chairman of the Committee on Appropriations, who is more familiar with that than I am.

Mr. FITZGERALD. In one or two cases we have authorized five-year contracts, but in other instances the contracts run from year to year.

Mr. MANN. They are authorized to make leases for 10 years in the Post Office Department.

Mr. FITZGERALD. That is in the postal service. I mean outside of the postal service.

Mr. SIMS. There is a new building now going up right beside the building occupied by the Interstate Commerce Commission, and I am informed, unofficially, that it has been leased for a number of years for the use of the Interstate Commerce Commission. I was curious to know if we had the right to contract for the erection of private buildings.

Mr. FITZGERALD. There is no authority to contract for the lease of that building for more than one year at a time.

Mr. SIMS. In other words, it is an incorrect rumor?

Mr. FITZGERALD. I may say that in one or two instances in this city authority has been given to lease buildings for four or five years, where the Government has obtained reasonable terms. In more advanced conditions it might be advisable to adopt that plan.

Mr. SHARP. I have no feeling of sectionalism at all in this matter, Mr. Chairman, because, in looking over these different items, I find that they come from almost every section of the United States. I have heard but one argument in favor of the erection of this very large number of public buildings in the class of towns to which I refer. It is the only argument outside of a purely selfish motive that has ever been presented to

me which may have some merit in it. I have heard this great expenditure justified on the ground that it inspires patriotism; that it furnishes an object of patriotic devotion to our country to find in these small towns throughout the country a public building flying the American flag, maintained by the Government and built at the public expense.

That has some merit in it, sentimentally considered, but I do not know but that, if the argument was based purely on the ground of patriotism, if the American flag should always be placed over our post offices in rented buildings, the same degree of patriotism would be inspired. We certainly would not then have all the time the accompanying thought of the willful, extravagant waste of the public money in expending from three to four times as much a year in each one of these places as we could rent accommodations for almost equally as good.

In looking over and epitomizing the result, I find in the present bill that there are 34 towns having a population of under 5,000 each, of which 19 towns have a population under 4,000 and 11 have a population under 3,000 each. But 2 towns out of the 34 have receipts in excess of \$20,000 per annum, while 11 have less than \$10,000 receipts per annum.

I may say further, as affecting the fixed charges that the Government has to pay, that I have compiled a brief statement, in which I think the figures are underestimated rather than overestimated. I have made the following estimates, assuming that in all these smaller towns the amount of money expended runs from \$65,000 to \$75,000. I believe the figures in this very complete statement of the Secretary of the Treasury, covering the last 8 or 10 years, will substantiate what I say, that the average amount of money so invested runs from \$65,000 to \$70,000. I have included 3 per cent interest on that sum, which amounts substantially, in round figures, to \$2,000 per annum. I have allowed \$800 for fuel and light; for janitor and other help, \$1,200; and for repairs, a thousand dollars. The statement of the Treasury Department estimates a depreciation of 2 per cent, which would make it \$1,300 or \$1,400 per year. That makes a total expenditure for maintenance, in round figures, of \$5,000 per year.

I have a table here showing the present amount of rentals paid by the Government for these different accommodations throughout the country, and where I have charged against the building, as in my estimate, \$5,000, the Government is at present paying about \$900 or \$1,000 a year rental, which in many cases includes light, heat, and janitor care; making, in other words, a loss of nearly \$4,000 a year for each building of that kind.

In looking over the statement itself, covering a period of the past eight years, and including the items in the present bill, I find that there are about 300 different towns having a population under 6,000 people each. I find, in addition to that, that there are 70 whose post-office receipts are under \$10,000 a year.

I have listened with a great deal of interest to the arguments upon this bill in debate, as they pertain to the public building appropriations. The gentleman from Illinois [Mr. MADDEN] expressed a desire to see a system adopted, as he put it, that would justify the Government in constructing these buildings—that is, a system based either on sufficient receipts or on adequate population. I have given this subject considerable thought and consideration, although I am not a member of that committee, because it has always impressed me as an extremely unwarranted waste of public money. According to the figures before us we shall have approximately 1,000 of these projects at the end of another term of Congress. We have about 900 finished or under way now. I do not know what would be a proper standard to establish. It is hard to determine. I know of my own personal knowledge that there is in my district a town of less than 10,000 people that has over \$100,000 annual postal receipts.

The statement of the Treasury Department shows that there are many other towns of 30,000 or 40,000 people which do not have receipts as large. It is very hard to fix a satisfactory criterion, it seems to me, by which the committee can be guided. I understand there is no statute fixing it, but it is a sort of a rule established by the Committee on Public Buildings and Grounds as to the places at which public buildings may be erected, based upon annual post-office receipts of not less than \$10,000.

We all know how that is done. I charge no favoritism. I think that committee has been actuated by a sense of justice and fairness. I find that this condition, as it pertains to Federal buildings in small towns, exists all over the country, more especially, of course, in those parts of the United States where the population is less dense. But it does seem to me an appropriate suggestion that if we, as representatives of the American people, really desire to effect a substantial, a big economy, we can with wisdom and good cause save not less than \$10,000,000 or \$12,000,000 a year by raising our limit not only as to popu-

lation, but as to post-office receipts, far in excess of the present requirement. That is my view of it. I may be mistaken. I may have a misconception of the importance of these marble-fronted buildings with which we have presented so many towns, some of which, according to this statement, have less than 2,000 people and have post-office receipts of less than \$3,500 a year. I remember of receiving one day a letter from some official of a town in the far Southwest asking for my vote—we all get such requests—in favor of a proposition for a Government building at that place on the ground that it had finally reached a point where its post office was doing a business of \$10,000 a year. At that moment I had in my pocket a telegram from the postmaster in one of my home towns having no Federal building, in which he informed me that the postal receipts for the preceding month alone at his post office were in excess of \$11,000.

Mr. SIMS. Are post-office buildings erected for the use of post offices alone in towns where the postal receipts are not over \$3,500 a year?

Mr. MANN. Mr. Chairman, this is a beautiful speech, but are we proceeding under the hour rule, or the five-minute rule?

Mr. SHARP. I do not think it is my fault, nor do I think the gentleman can ascribe any blame to me. I will take all the time that is given me.

Mr. SIMS. I want to ask the gentleman if there are any buildings erected by the Government for post-office purposes alone where the postal receipts are only \$3,500 a year?

The CHAIRMAN (Mr. JOHNSON of Kentucky). The time of the gentleman from Ohio has expired.

Mr. SHARP. I am very grateful to the Committee of the Whole House for listening to me beyond my allotted time. If I may have two minutes I should like to answer the question of the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Ohio [Mr. SHARP] asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. SHARP. I have one place noted here—I will not give the name of the town, but it is in Kentucky—where they have 1,638 population.

Mr. SIMS. What are the receipts?

Mr. SHARP. The postal receipts that year were \$3,903.

Mr. SIMS. Was the building used for anything except a post office?

Mr. SHARP. The post office, United States court, internal-revenue collector, and so on.

Mr. GARNER. Does not the gentleman think the United States ought to furnish a building in which to hold the Federal court?

Mr. SHARP. I will give the name of the town, so that gentlemen may know all about it.

Mr. GARNER. I want to get the gentleman's opinion whether or not, when the Congress establishes a Federal court in a town and requires people to come to that town to attend court, it is the duty of the Government to furnish an adequate building for the purpose of holding court and conducting the public business?

Mr. SHARP. That may be. In answer to that question, I wish to say that I am unable to determine from this statement whether the rented accommodations before the public building was erected there were sufficient to enable them to hold court or not, but the rental was only \$234 a year, whereas the upkeep of the new building was \$2,836.

Mr. SHERLEY. What was the town?

Mr. SHARP. London, Ky.

Mr. GARNER. That may be a case where the county had issued bonds and gone to the expense of building a courthouse, and then as a matter of courtesy had permitted the United States to hold court in that courthouse and had permitted the clerk to occupy an office in the courthouse building.

Mr. SHARP. That may be.

Mr. GARNER. Does the gentleman believe the Federal Government ought to continue to impose on the county to that extent—to use the county property free of charge?

Mr. SHARP. I believe not; but I wish to say, in answer to the gentleman's question, that in a large number of these cases the public buildings are used for post-office purposes only.

Mr. GARNER. I agree with the gentleman fully that wherever a case of that kind is shown, then the Congress ought not to have appropriated the money and the public building ought not to have been constructed; but I wish to suggest to the gentleman that wherever a court has been established it has been the policy in every State in the Union, of every county and every State in the Union, to build a house adequate for the transaction of the business of the court.

Mr. SHERLEY. They get the court established for the purpose of getting the courthouse.

[Mr. CANNON addressed the committee. See Appendix.]

The Clerk read as follows:

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: *Provided*, That in addition to the persons named in the said sundry civil act the Speaker of the House of Representatives shall be a member of the commission constituted to acquire said land, and hereafter any three members thereof shall constitute a quorum and be competent to transact the duties devolving on them.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that that paragraph just read may be passed without prejudice.

Mr. SIMS. Mr. Chairman, I want to reserve a point of order against it.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order, and the gentleman from Kentucky asks that the paragraph be passed without prejudice.

Mr. MANN. For what reason?

Mr. SHERLEY. The chairman of the committee is now absent for a few minutes, and he made the request that it be passed, as it is the desire to make some change in the language.

Mr. MANN. Is it to be taken up later in this day?

Mr. SHERLEY. It will go over until to-morrow, I think. There will be no desire to take anybody by surprise.

Mr. MANN. Of course not, and I am frank to say that my only object of inquiry is to ascertain whether we can get through the bill to-morrow.

Mr. SHERLEY. In my judgment, we can not get through the bill by to-morrow, but the chairman is hopeful that we may.

Mr. MANN. And as to controverted matters, as far as we can, I prefer to have them disposed of this week rather than next week.

Mr. SHERLEY. I prefer to, too.

Mr. Sisson. Mr. Chairman, I want to reserve the right to object. I want to state for the benefit of the House that I have been opposed to this item. I was opposed to it when it passed the House originally two years ago, after being put in the bill by the Senate. I have no objection to its going over, but I would like to have, if we can, a time agreed upon when the matter will be taken up, because sometimes Members may be out of the House temporarily.

Mr. SHERLEY. I will simply say to the gentleman from Mississippi that we will see to it that when it is taken up he shall have notice.

The CHAIRMAN. The Chair can not hear what the gentleman is saying.

Mr. SHERLEY. I stated there would be no attempt to call the matter up during the absence of the gentleman from Mississippi, and I ask that the item may be passed without prejudice, with the understanding that it will come up to-morrow.

The CHAIRMAN. The request of the gentleman from Kentucky is that the matter be passed without prejudice. Is there objection?

Mr. Sisson. With the point of order reserved.

The CHAIRMAN. The Chair has notice that the point of order is reserved by the gentleman from Tennessee [Mr. Sims]. Is there objection to the request?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, in connection with the amendment that I offered to the bill for a new building at the Battle Mountain Sanitarium, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

The Clerk read as follows:

PUBLIC LANDS SERVICE.

Salaries and commissions of registers: For salaries and commissions of registers of district land offices at not exceeding \$3,000 per annum each, \$280,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 93, strike out lines 17 to 19 and insert:

"Salaries and commissions of registers and receivers: For salaries and commissions of registers and receivers of district land offices, at not exceeding \$3,000 per annum each, \$560,000."

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the discussion of my amendment may go over until the next paragraph is read, as I desire to make a point of order on that paragraph, and that I may discuss my amendment after the point of order is disposed of.

Mr. SHERLEY. I see no reason why we should not dispose of the gentleman's amendment now.

Mr. MONDELL. If the Chair should hold that the following paragraph was subject to a point of order—

Mr. SHERLEY. I can not conceive of the Chair so holding.

Mr. MONDELL. I am not particular, but it seems to me that that is the logical thing to do, to dispose of the point of order first. It is entirely immaterial to me.

Mr. MANN. They are all part and parcel of the same proposition.

Mr. MONDELL. That is the logical way to dispose of the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

Mr. CANNON. It seems to me one depends upon the other, and I do not see any objection to considering them both together.

Mr. SHERLEY. I understand from the gentleman from Wyoming that if the Chair should overrule the point of order as to the matter which he considers new matter, the gentleman would then desire to press his amendment.

Mr. MONDELL. Certainly.

Mr. MANN. He might desire to move to strike out the matter.

Mr. SHERLEY. It seems to me, if we are to have the fight, we might as well have it now.

Mr. FITZGERALD. There may be a different situation arise. If the succeeding paragraph be taken out of the bill either upon a point of order or upon motion, of necessity I would be obliged to ask unanimous consent to offer an amendment increasing the appropriation in the paragraph just read and providing for receivers.

Mr. MANN. The gentleman from Wyoming has offered such an amendment and asked to have it passed for the present.

Mr. MONDELL. Until the point of order could be disposed of.

Mr. CANNON. It is perfectly plain. If the next paragraph is agreed to, then this paragraph is to stand as it is, but if it is not agreed to it should be amended.

Mr. FITZGERALD. If it becomes necessary, the committee itself will wish to do what the gentleman has asked to do.

Mr. MONDELL. Then there would be no objection to my request.

Mr. MANN. Any one person might object. It is the orderly way to dispose of the matter.

Mr. FITZGERALD. I do not think anybody would object.

Mr. MANN. Then there is no occasion for discussing and voting upon it now.

Mr. FITZGERALD. No.

Mr. MANN. What is the use taking up time now until we dispose of the other section?

Mr. FITZGERALD. I ask unanimous consent that the paragraph commencing on line 7 and ending on line 9 be passed temporarily.

Mr. MONDELL. Passed until the succeeding paragraph is disposed of.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

The Clerk read as follows:

The office of receiver of public moneys for land districts, from and after the 30th day of June, 1912, is abolished, and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding \$2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulations, including the receipt of moneys, and he shall, during the absence of such register, or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulation; but such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction: *Provided*, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1912, be paid to and accounted for by such registers, in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed \$3,000 per annum, as now provided by law.

Mr. HAWLEY and Mr. MONDELL rose.

Mr. HAWLEY. Mr. Chairman, I make the point of order against the paragraph just read.

Mr. MONDELL. Mr. Chairman, I asked that the matter go over in order that I might make the point of order. I ask that I be recognized to make the point of order, as I made the request under which it was possible to make the point of order.

The CHAIRMAN. The Chair will state that the gentleman from Oregon has already been recognized.

Mr. MONDELL. Mr. Chairman, I want to suggest to the Chair that it was at my suggestion that we passed over the preceding paragraph, and I then announced that I intended to make the point of order to the paragraph when it was reached. I was on my feet and addressed the Chair.

The CHAIRMAN. The Chair will state that the gentleman from Oregon had already done the same thing.

Mr. FITZGERALD. Mr. Chairman, I suggest that we proceed.

Mr. MONDELL. The gentleman from Oregon did not ask unanimous consent to have the matter passed in order that a point of order might be made, and I did request to have the preceding paragraph passed in order that I might make the point of order.

The CHAIRMAN. The Chair has already recognized the gentleman from Oregon.

Mr. PAGE. Mr. Chairman, I demand the regular order.

Mr. HAWLEY. Mr. Chairman, this paragraph proposes to reorganize the local land offices throughout the country by eliminating one of the positions in them that has been in existence for nearly half a century, namely, the office of receiver, and substituting in lieu of the receiver another official and providing a salary for this new official. It proposes, in addition to that, on page 93, from lines 16 to 23, to add to the duties of registers of the Land Office. That matter is clearly new legislation and has no reference apparently on the face of it to any appropriation contained in this act, and under the Holman rule I think it has been held that the legislation must relate to the appropriation contained in the act in which it appears for the year for which the appropriation is made.

In abolishing the office of receiver these facts should be noted by the Chair:

Under the law, Revised Statutes, paragraph 2237, the salary of the receiver is fixed at \$500 per year; and under paragraph 2240 and the preceding paragraphs it is provided that certain commissions and fees may be received by the receiver as a part of his compensation up to the total of \$3,000, the law further providing that he shall not receive more than \$750 for any quarter.

But the salary of the receiver is fixed at \$500 per year in the law. These commissions are varying amounts that may amount in the total for the year to \$3,000 or may make his salary amount to \$800 or \$1,000, depending upon the state of the public business and the activity at the local land office. It is proposed to abolish the office of receiver and to substitute an entirely new official. There is no such official provided for in the law, in the local land office, as a chief clerk, as is contemplated in this bill. It can not be maintained that there are in the Department of the Interior such chief clerks as may be appointed to these places. Every subdivision of the Department of the Interior contains a chief clerk; there is one in the General Land Office, one in the Indian Office, and in the Reclamation Office, and so forth. These are designated in the law to do certain specific work in these subdivisions of the Department of the Interior. It can not be maintained that they are available to be sent to the local land offices. It must then follow that there must be appointed new officials to fill the vacancies caused by taking out of the law this provision respecting receivers, and that, I submit, is new legislation, making a new appropriation and expending additional public funds.

The CHAIRMAN. Where is the description about new officers?

Mr. HAWLEY. It begins, line 22, on page 93:

Instead of the office of receiver of public moneys, hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding \$2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize.

Now, this chief clerk is to be appointed at a salary of not exceeding \$2,000, and under the civil service he would under no circumstances receive as low as \$500, and in the grade of clerk, from which this officer would be taken, he would receive not less than \$1,600 or \$1,800, and probably more, so that makes a distinct addition to the fixed legal or statutory salary paid to the officer charged with the duty of receiving moneys at a local land office. But in addition to that, at the beginning of

line 4 and proceeding down to line 20 on page 94, it proceeds to specially describe the duties of this chief clerk. It provides that he shall perform such duties as the register may direct him to perform, and goes on further to specify that in the case of a vacancy in the office of register, or in the absence of said register, he shall not only perform the duties of the new office created for him, but the duties of the present register in the office in which any particular proposed chief clerk is at work. That is new legislation.

In the first place, there is no chief clerk in any of these offices in the contemplation of the law as described here; and, in the second place, there is no clerk that has any such relation to the law as is described here. It is entirely new law. Nor does it not diminish the pay of officers of the United States. It does not diminish the expenditure, because that depends on how much the actual salary received by the present receivers may be, and no showing is made by the provision under discussion that indicates a reduction. The minimum salary of the present receiver is \$500, and under the civil-service regulations and law the minimum salary of the chief clerk to be appointed could not be less than \$1,600 or \$1,800. Therefore, Mr. Chairman, this provision is obnoxious to the rule on three grounds—that it does not reduce expenditures even temporarily, on the face of the bill; that it does not decrease officers of the United States, because it substitutes one officer for another; that it contains new legislation creating a new office; and not only adding a new office here with new powers, but it is new legislation in the part already recited in the preceding page of the bill defining the duties of the present registers of the local land offices and adding new duties to those now provided in the law.

Mr. MONDELL. Mr. Chairman, paragraph 815 of the rules provides that no part of the appropriation—

The CHAIRMAN. What page?

Mr. MONDELL. Page 400, down about the center of the paragraph:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except as being germane to the subject matter of the bill shall retrench expenditures by a reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States.

The amendment in question does not come within the rule, because, while it does reduce the number of a certain class of officers who only receive \$500 per annum in salary under the law, it creates an equal number of officers who receive \$2,000 per annum as provided in the amendment.

The CHAIRMAN. The Chair will ask the gentleman to repeat that.

Mr. MONDELL. While it does reduce the number of officers—that is, it strikes out the office of receiver of the land office, and there are approximately 105 of such officers, one in each local land office—it abolishes that position, but it also in lieu of these officers provides a chief clerk, and if the Chair will read at the bottom of page 93 and top of page 94 of the bill he will see provision is made for a salary for such new clerks of not to exceed \$2,000 per annum.

The paragraph, therefore, dispenses with the services of approximately 105 officials who, under the law, receive \$500 per annum; and I call the attention of the Chair to chapter 2, page 302, of the Revised Statutes of the United States, section 2237, "each register and receiver shall be allowed an annual salary of \$500," so that in lieu of officers receiving \$500 in salary we are providing officers who may receive \$2,000 in salary. I think that one fact makes it very clear the amendment is not in order.

Mr. FITZGERALD. The gentleman does not wish to leave the impression that \$500 is the maximum salary of receivers and registers of land offices?

Mr. MONDELL. No; I do not desire to leave that impression. There are registers and receivers who receive more in commissions and fees, but we are talking of salaries.

Mr. FITZGERALD. The very next section of the Revised Statutes provides that in addition to the salary mentioned they shall receive certain compensation in the way of fees.

Mr. MONDELL. Yes; but the Chair can not be expected to investigate as to whether or no these officials receiving a certain fixed salary may or may not also in addition to that, as a matter of fact, receive some commissions. There are some receivers who do not receive any commissions at all who serve for \$500 per annum.

Mr. FITZGERALD. But the gentleman knows that if these receivers are reinstated in the bill it necessitates the adoption of the amendment which the gentleman himself offered increasing one item in this bill by \$280,000.

Mr. HAWLEY. Will the gentleman from New York yield?

Mr. FITZGERALD. Section 2240 of the Revised Statutes provides that the compensation of registers and receivers, in-

cluding salaries, fees, and commissions, shall in no case exceed in the aggregate \$3,000 a year.

Mr. MONDELL. I would like to have the attention of the Chair on that point, if the Chair considers it of any importance. Of course, if these officials are restored, their salaries must be added to the bill. The next paragraph carries an appropriation to pay the new officers provided for by this new legislation, and if my amendment restoring the receivers and their salaries is adopted I shall offer another amendment reducing the appropriation in the next paragraph for clerks. The gentleman certainly—

Mr. FITZGERALD. By how much?

Mr. MONDELL. The gentleman will know when I offer the amendment.

Mr. FITZGERALD. Will not the gentleman now state it?

Mr. MONDELL. The gentleman certainly will not contend that by simply reducing the amount in an appropriation bill, leaving the public service without adequate funds, he would thereby come within the Holman rule, because the necessity for the expenditure is still there, and the amendment might simply be made for the purpose of attempting to show a reduction of expenditures when as a matter of fact no such reduction was provided for.

The bare question before the Chair is this: This is new legislation wiping out certain offices and creating certain other offices. What are the salaries provided by law for these respective offices? The Revised Statutes give the officer who is deprived of his office, and whose office ceases under the amendment, \$500. The amendment gives the officer who takes his place a salary not to exceed \$2,000. No one will contend that by reducing Federal officers, on the one hand, by a given number and creating new Federal officers, on the other hand, an equal number with a higher salary, you come within the Holman rule, although there may be another item somewhere else in the bill, not in this paragraph—because this paragraph carries no appropriation at all—there may be an item somewhere in another paragraph which is modified or changed in some way.

But this paragraph carries no appropriation. It is pure legislation. It does not decrease, and does not purport or pretend to decrease, the appropriation, because there is no appropriation carried in this paragraph, and on its face it increases the appropriation, for it provides for Federal officials who will receive \$2,000 in lieu of Federal officials whose salary is \$500.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from South Dakota?

Mr. MONDELL. Gladly.

Mr. BURKE of South Dakota. I will call the gentleman's attention to the fact that the paragraph also enlarges the duties of the register to a very great extent, and that would undoubtedly necessitate the employment of additional clerical force other than what is employed under the present system.

Mr. MONDELL. Yes. I think the points I have made will be quite sufficient to justify the Chair in holding that the amendment is not in order. But if the Chair will bear with me I will call his attention to the fact that here are two pages of new legislation, changing radically the duties of public officials, wiping out a certain position which has existed since the creation of the Land Office and creating a new position and transferring duties. No one knows what the effect of that transfer may be. In my opinion the transfer of the duty of the receiver to the chief clerk can have no other effect than to compel further clerical service for the register, upon whom the duties now performed by the receiver are largely placed. So that, in whatever way you view it, this paragraph can not come under the Holman rule, and therefore is subject to a point of order.

Mr. LAFFERTY. Mr. Chairman, may I be recognized to say a few words on the point of order?

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Chairman, I merely desire to suggest that this is very important legislation. That is the reason why it should be seriously considered. In the first place, the proposition in the amendment abolishes the office of a receiver of the local United States land office.

The CHAIRMAN. By "the amendment" does the gentleman mean the section in the bill?

Mr. LAFFERTY. Yes. By this proposed provision for abolishing the office of receiver you necessarily create a situation under which you are compelled to create other officers.

The other officers provided for here are chief clerks of the United States land offices, officers which do not exist at the present time. It is a fact, of which the Chair will take judicial

notice, that many receivers throughout the Western States at the present time are not receiving the maximum which they may receive of \$3,000 per year. Many of these receivers are not taking in over \$1,200 at the present time. Some of them, I know within my own knowledge, when the fees and commissions run down to a certain point, resign their offices, and they get other people to fill them. Therefore it is an open question as to whether or not this proposed legislation would not result in an expenditure of more money than is now being expended. And, if I may be pardoned for saying so, Mr. Chairman, these receivers are local officials. They are appointed from among those within the neighborhood or within the State where these public lands are to be administered. On the other hand, these officers who are to take their places are detailed from Washington, D. C., by the Secretary of the Interior, as here provided, and we are to have saddled upon us in the West some more of these gentlemen who go back and forth across the continent, riding in Pullman palace cars, and telling our people where to head in at. I am in favor of home rule in the matter of administration of public lands in the West as much as my brethren here from the South are in favor of home rule in the South.

I say this is an important matter, and, while I am not so familiar with parliamentary law as these other gentlemen who have spoken, I trust the Chairman will give the subject his best consideration.

Mr. FITZGERALD. Mr. Chairman, in reply to the gentleman from Oregon, I will say that this is a very important matter, and has been recommended for three years by the present administration. The Commissioner of the General Land Office states in his report for 1911—

The recommendation made in the report for the fiscal year ended June 30, 1910, in regard to the abolishment of the office of receiver is renewed. A far better organization at less expense could be perfected—

Mr. MONDELL. Mr. Chairman, is the gentleman discussing the point of order or the merits of the proposition?

Mr. FITZGERALD. I am discussing the point of order. One of the grounds upon which I base the contention that this provision is in order is that it effects reductions in the amounts carried by the bill, and I intend to demonstrate it, not only from the action of the gentleman himself, but from the recommendations of those who have charge of the service.

Mr. MONDELL. We can see how pertinent they were—

Mr. FITZGERALD. If the gentleman will permit me, I can finish what I have to say more quickly. The Commissioner of the General Land Office stated:

The recommendation made in the report for the fiscal year ended June 30, 1910, in regard to the abolishment of the office of receiver is renewed. A far better organization at less expense could be perfected. There is no business reason to be advanced for the retention of the present organization of local land offices. It originated in the era of sale, when the money value of the land disposed of was the paramount idea; it was retained without any real reason through the era of development; the coming era should see it abolished. The recommendation last year was as follows:

"The organization of the local land offices should be changed and a great deal of money saved and better administration secured by the abolition of the positions of register and receiver and the creation of one position in lieu of the two. The positions of registers and receivers were created under the original organization when the duties were those of sales agent and recording officer. By additional legislation, as stated above, the duties of local officers have been changed. Under this dual system there is a divided responsibility. The register and receiver have to sign decisions, and they are responsible together for the work of the office. This divided responsibility is not a successful method of management for any office. Experience has shown that there are frequent clashes between the two officers. The simplest organization would be the creation of a new office and the placing of one man in charge of all the work of the local office, and substituting for the receiver a bonded clerk. This bonded clerk could be secured for the work to be performed at a salary ranging from \$1,500 to \$2,000 a year, and the difference between that and the salary now paid to receivers would amount in saving to the Government, in round numbers, to about \$150,000 a year. Better administration would be secured, and the Government would save a considerable sum."

This provision, Mr. Chairman, proposes to abolish the office of receiver in the local land offices. Under the law the receivers of local land offices—

The CHAIRMAN. The Chair did not understand whether the proposed abolishment applies to more than one office.

Mr. FITZGERALD. Yes; it abolishes the receivers in all the local land offices. There are a number.

The CHAIRMAN. The Chair did not at first understand whether the gentleman was using the plural or the singular.

Mr. FITZGERALD. There are 105 local land offices in the United States. This provision proposes to abolish the receiver in each of these offices.

The receiver in a local land office, under section 2237 of the Revised Statutes, is allowed an annual salary of \$500. By section 2238, in addition to their salaries, they are allowed certain fees and commissions, and the fees and commissions are set forth. Then, by section 2240, the compensation of the receiver, including salary, fees, and commissions, is limited to

\$3,000. By the abolishment of these offices and the transfer of their duties to clerks in the office of the register, a saving of \$110,000 is effected annually, and that appears from this bill itself.

The paragraph just passed provided for salaries and commissions of registers of district land offices at not exceeding \$3,000 per annum, \$280,000. The gentleman from Wyoming [Mr. MONDELL] proposes to reinsert in that paragraph the provision for the compensation of the receivers of the land offices and to increase the appropriation to \$560,000. On page 95, under the contingent expenses of the land offices, the gentleman from Wyoming [Mr. MONDELL] proposes to offer an amendment, should this provision be eliminated, to reduce the appropriation on page 95, line 7, from \$490,000 to \$320,000, a reduction of \$170,000.

This provision does not authorize any new offices. It provides for the transfer of duties from the receivers, who are abolished, to clerks in the respective land offices. There is very ample authority at present for the discontinuance and transfer of these various offices, and under section 2255 of the Revised Statutes the Secretary of the Interior is authorized to make a reasonable allowance for office rent for the consolidated land offices, and when satisfied of the necessity thereof, to approve the employment by the register of one or more clerks at reasonable per diem compensation for such time as such clerical force is absolutely necessary to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section 2239, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

Now, the fixing of a limitation upon the compensation of these clerks upon whom the duties of the receiver devolve, is fixing a limitation upon compensation which under the law at present is limited only by the determination of the Secretary of the Interior.

Mr. HAWLEY. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. HAWLEY. In every case where a chief clerk exists in a department, if I am not in error, he is mentioned specifically in the statute, and now to appoint chief clerks in the general land offices would be to create new offices, because the positions of chief clerks have been recognized in all cases as being offices created by statute.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken. The word "chief" does not affect the matter at all. One of these clerks in the office would be considered or designated as of a higher rank or in charge of the other clerks. This was merely a devolving of the duties of the receiver upon the clerk of the highest grade in the office.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. BURKE of South Dakota. As I understand the gentleman, he says that under this provision there is no new position created, but that there would be a transfer of duties to a clerk in the office. I should like to call the attention of the gentleman to line 24, on page 93, in which it says:

The Secretary of the Interior may appoint or designate a chief clerk for any land office.

That certainly is creating a position that does not exist at the present time, and does create a position.

Mr. FITZGERALD. I think not. I doubt if there is any difference in meaning. The Secretary of the Interior now, within the limits of the appropriation, has authority to provide such clerical force in these different offices of register and receiver of the land offices as he sees fit. He fixes the limit of the compensation. In the transfer of the duties now devolving by statute on the receiver, it is provided that they shall devolve upon the most important clerk, or the person who properly would be designated or characterized as the chief or head clerk of the office.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STEENERSON. How many of these receivers are now receiving the maximum of \$3,000 a year? I understand there is a number that receives a great deal less. Many officers are not maximum officers; very few. Some of them only receive \$500.

Mr. FITZGERALD. I do not know how many are receiving the maximum salary, but the average compensation is over \$2,100.

Mr. STEENERSON. The saving would only be \$100 for one office then.

Mr. FITZGERALD. The gentleman is very much mistaken; the saving under this reorganization is \$101,000 annually.

Mr. STEENERSON. Besides the \$2,000 salary they would have to pay them for traveling expenses, and there would be no saving at all.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURKE of South Dakota. I would like to question the gentleman's arithmetic. As I understood, he said the average register and receiver's compensation was about \$2,100 a year.

Mr. FITZGERALD. It is more than that.

Mr. BURKE of South Dakota. That would amount to \$4,200 for the two places.

Mr. FITZGERALD. But I was speaking of the receivers alone.

Mr. BURKE of South Dakota. The receivers and registers get substantially the same compensation. Now the gentleman proposes to have a chief clerk at \$2,000 a year.

Mr. FITZGERALD. The gentleman is mistaken; there are only two or three of the chief clerks who would get the maximum compensation. The great mass of them are not to receive in excess of \$1,600.

Mr. BURKE of South Dakota. That is an assumption.

Mr. BYRNS of Tennessee. Will the gentleman from New York yield?

Mr. FITZGERALD. Certainly.

Mr. BYRNS of Tennessee. The statement in the hearings is that in 1911 there was paid the receivers the sum of \$274,047.71. That would make an average salary of \$2,600 a year.

Mr. FITZGERALD. I thank the gentleman for the statement. That shows conclusively that this would effect a reduction, as I stated.

Mr. RUCKER of Colorado. Mr. Chairman, I raise the point of order that the point of order made by the gentleman from Wyoming is not being discussed. It is the merits of the proposition that is being discussed.

Mr. FITZGERALD. The gentleman from Colorado is mistaken. One of the grounds upon which it is insisted, Mr. Chairman, that this provision is in order, is that it effects a reduction in the amount carried by this bill. It is impossible to discuss that question without going into the question of compensation and the amounts that would be necessitated if this provision was eliminated from the bill.

Mr. BYRNS of Tennessee. If the gentleman from New York will pardon me further, I want to say that the commissioner states that the total compensation to be paid to bonded clerks under this arrangement would amount to \$172,600, leaving a balance of \$101,447 as the estimated saving.

Mr. FITZGERALD. That is the statement I recall that was made; that under this reorganization that saving would be effected. Mr. Chairman, I think the question of order is simple. Here are certain offices established with authority of the Secretary of the Interior to appoint clerical services in these offices. This provision proposes to abolish certain officers and transfer the duties to the clerks now authorized, and to put a limitation upon the maximum that can be paid to the clerks, there being no maximum fixed at present. The result is a saving in this bill of \$101,000. It seems to me that under these conditions this provision is clearly in order under the rule.

Mr. MONDELL. Will the Chair bear with me a moment?

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. I desire, Mr. Chairman, to emphasize the fact that the paragraph against which I made the point of order carries no appropriation whatever. Therefore it does not come under the Holman rule on the ground that it provides for a reduction in the appropriation. It does not come under the Holman rule, further, because while it is new legislation and creates new offices it does not reduce the number of officers under the Government. It wipes out one set of offices and creates another equal in number, so that it does not decrease the number of offices.

Mr. BYRNS of Tennessee. The paragraph to which the gentleman has made the point of order does abolish the office of receiver and substitutes therefor appointed clerks at \$2,000. Does not the gentleman think it is perfectly proper and necessary that the Chair shall look to the bill to see what these receivers will receive under the bill, if retained, in order to determine whether or not it properly comes under the Holman rule?

Mr. MONDELL. The Chair could not go through the entire sundry civil bill to find some reason for supporting this amendment. The amendment must stand or fall by what it says; what it says and what it does, and it does not reduce appropriations. It does not decrease the number of officers; it does

not reduce expenditures directly, nor does it reduce them indirectly, because it dispenses with one class of officers the salary of which is \$500 per annum, and provides for another class of officers at not to exceed \$2,000 per annum.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire to make some suggestions that bear upon the point of order. The first is this: Does not the conferring of the functions of the abolished office of receiver upon the office of clerk created as a substitute make it conclusive that a new office is created? I think that can not be successfully gainsaid.

Now, the second inquiry, which I regard as legitimate for consideration of the chairman on the point of order, is: It is not a legitimate solution of the question of the increase of expenditure in the expenditures that may possibly be made by taking statistics, taking the information which the Department of the Interior has furnished as to the expenditures last year and for previous years. This question is not to be determined by speculation. It is not to be determined upon the fluctuations of one year when it was high and another year when it was low, not upon what may possibly occur, but upon what is essentially certain.

The statute provides that the salary of the receiver shall be \$500 a year. In the proposed legislation it is certain that the salary of the clerk must be much greater than that. This question must be solved upon the certainties—and I contend that it is not legitimate to decide it upon speculation, upon uncertainties of what the fees may amount to one year or what they will amount to the next year. I anticipate that the enactment of the three-year residence homestead act will make the fees larger next year than last year. That, however, is speculation, and is not a legitimate consideration. A reliable criterion must be furnished. I contend it must be made to affirmatively appear that retrenchment will result. But, sir, it is only shown to be problematical, and assuredly that will not do.

Mr. HAWLEY. Mr. Chairman, I would like to offer one additional consideration in reply to the statement of the gentleman from New York [Mr. FITZGERALD], the distinguished chairman of the committee, wherein he maintained that this was not a new office. There is no such office as chief clerk in any of the local land offices at the present time. All the statutes making appropriations with reference to a chief clerk in any division of the governmental service have appropriations for a chief clerk by the designation of such office, so making him a statutory officer. It is proposed in this paragraph to make a statutory officer and appropriate for him. That must create a new office. In so creating a new office the amendment, if for no other reason, would be obnoxious to the rule.

The CHAIRMAN. Before ruling the Chair will invite the attention of the committee again to that portion of the rule read by the gentleman from Wyoming, which is as follows:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and the salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

For the purpose of retrenching expenditures the Chair holds that the House unquestionably has the right to legislate through an appropriation bill. In the second line of the rule above quoted we find the expression, "changing existing law." Existing law can not be changed without new legislation. The Chair therefore holds, as just stated, that an appropriation bill can change existing law; and if there is the right to change existing law there must, of necessity, be the right to legislate. That right to legislate, however, is limited by what follows in the rule, and there is real ambiguity in what follows:

The gentleman from Wyoming has said that the section to which the point of order has been raised contains no appropriation. That looks in the direction of retrenchment of expenditures because it does not contain an appropriation. Under the Holman rule an appropriation bill can contain such legislative matter as abolishes an office. The right to abolish an office is unquestioned. Now comes the question of the right of an appropriation bill to contain a provision creating an office. If the abolishment of one office and the creation of another works retrenchment in expenditures, the Chair is of opinion that this can be done, because it is still within the limit provided under the Holman rule of "changing existing law."

The question, therefore, that is uppermost in the mind of the Chair is whether there is at last a retrenchment of expenditures under the paragraph under consideration. Being in doubt, the Chair feels constrained to give some weight to the

report made by the Commissioner General of the Land Office to the effect that it is a retrenchment of expenditures. The chairman of the Committee on Appropriations, which originated this bill, makes the positive statement that \$105,000 will be saved by this paragraph. He makes that statement after his own research into the matter and upon the statement of the head of the department or bureau, whichever it may be, which has charge of these affairs, and this statement has gone practically unchallenged.

The Chair therefore overrules the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph on page 93, beginning with line 10, down to and including line 4 on page 95.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend pages 93, 94, and 95 by striking out the paragraph beginning with line 10 on page 93 and ending with line 4 on page 95.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield to see if we can agree upon some time for discussion?

Mr. MONDELL. Certainly.

Mr. FITZGERALD. I suggest 15 minutes.

Mr. MONDELL. This is a very important matter and I should like to have 15 minutes myself.

Mr. FITZGERALD. Oh, we can not consent to that, with the other body in this Congress having served notice on the country that no business is going to be done for two weeks.

Mr. MONDELL. But we had a speech here 20 minutes in length a short time ago in regard to a matter not relating to the bill at all. Here is a proposition to abolish 105 offices.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this amendment close at 4 o'clock.

Mr. MONDELL. I think we could conclude the debate under this amendment in one hour.

Mr. FITZGERALD. Oh, no. We have already discussed the matter for half an hour or more.

Mr. HAWLEY. Mr. Chairman, this affects every settler on the public lands, and I think if the gentleman had been in the West and had to do with the settlers he would be willing to grant an hour.

Mr. MONDELL. I think we should go on this evening with the business and dispose of the bill, and I think the chairman ought to give us a fair amount of time.

Mr. HAWLEY. I will remind the chairman of the committee that while there are many Members who are vitally interested in this matter, their advice or suggestion was never requested in regard to the matter, and this is the only opportunity they will have to present their views in regard to the matter.

Mr. FITZGERALD. Well, I suggest to close debate in 40 minutes.

Mr. MONDELL. I think it ought to be made an hour if possible.

Mr. FITZGERALD. If I can not get an agreement to close debate at the end of 40 minutes—

Mr. MANN. Make it 4.20.

Mr. FITZGERALD. I ask that it be closed at 4 o'clock—

Mr. HUMPHREY of Washington. I suggest to the gentleman that he will not make any time by doing that.

Mr. FITZGERALD. Oh, yes.

Mr. MANN. Make it 4.20.

Mr. FITZGERALD. Well, I will make it 4.20.

Mr. RUCKER of Colorado. I suggest to the gentleman that I want to know something about the division of time.

Mr. FITZGERALD. It will be under the five-minute rule.

Mr. RUCKER of Colorado. Well, I am in this position in this House—

Mr. FITZGERALD. The gentleman can protect himself from assault under the five-minute rule.

Mr. RUCKER of Colorado (continuing). In that I am against both propositions, and therefore I do not want to give away what time I desire. I want five minutes.

Mr. FITZGERALD. The gentleman can get his five minutes. I ask unanimous consent that debate on this amendment close at 4.20.

Mr. MONDELL. Mr. Chairman, there are at least a half dozen gentlemen on this side who want to discuss this matter, and we ought to have at least 40 minutes on this side.

Mr. FITZGERALD. Mr. Chairman, I will serve notice that at 20 minutes after 4 I shall move to close debate, and gentlemen can regulate their conduct accordingly.

Mr. MONDELL. Does the gentleman desire considerable time on his side in favor of the proposition? Does the gentleman expect to consume half the time in favor of the proposition?

Mr. FITZGERALD. I think not; probably 10 or 15 minutes; I would like to have 5 minutes. I do not think there will be

any trouble; very little time will be occupied on this side, and we are willing to give the gentlemen opposed to it some of our time.

Mr. MONDELL. I want 10 minutes, at least; but I do not want to deprive gentlemen on this side of an opportunity to be heard.

Mr. FITZGERALD. I do not believe more than 10 minutes will be asked on this side of the House against the proposition of the gentleman. I am willing the gentleman's side shall have 40 minutes in favor of the gentleman's motion.

Mr. MONDELL. That is entirely satisfactory.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this amendment close at 20 minutes after 4 o'clock, 40 minutes of the time to be occupied by those in favor of the motion of the gentleman from Wyoming.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection, and it is so ordered.

Mr. MONDELL. Mr. Chairman, there are many reasons why this provision should be stricken out. There are many reasons why the office of register should be retained. I propose to discuss first the question of economy. The chairman of the committee has been grievously misled in the matter. I am willing to admit for the sake of argument that there is a bare possibility that a little money may be saved to the Government, but I think I can prove beyond controversy that the saving even under the most favorable conditions will not be more than one-fourth or one-third of that suggested by the commissioner or by the chairman of the committee. There has been a curious difference of opinion as to how much was to be saved by this legislation. A year ago we heard that the abolition of these offices would save upward of \$200,000. This year in transmitting the estimates suggestion was made that there would be a saving of \$150,000. When the commissioner appeared before the committee he suggested they might save \$101,000, and the committee evidently estimate \$110,000 as the net amount of saving in the two items of the appropriations relating to this matter. Now, the facts are these: There are 105 land offices. Last year in 61 of those offices the registers and receivers received the maximum salary and therefore those 61 offices cost \$6,000, \$3,000 to each officer, and in these 61 offices, assuming that the business continues this year as it was last year and there would be a saving of \$61,000 under this bill, assuming that the clerks all receive \$2,000, as they undoubtedly will, as to 16 of these offices the salaries and fees and commissions last year of register and receiver were between \$5,000 and \$6,000, but all above \$5,000, and the saving in the 16 offices would be \$7,767.65, so that in 77 offices there would be, on the basis of last year's business, under the new provision a saving of \$68,766, providing no additional clerical help should be required. We all know that at least one additional clerk will be required, in addition to the chief clerk, in all of these offices when a chief clerk is provided.

But there are 25 land offices where last year the registers and receivers together received much less than \$5,000. For instance, the register and receiver at Nome—and I ask the attention of the gentlemen of the committee to this extraordinary condition of affairs—the register and receiver at Nome last year received the magnificent sum of \$136, and under your legislation next year the Nome office might cost \$2,136.44. There are a large number of offices, 25 as I have said, in which the expenditures were much less than they would be under the provisions of this bill for this reason: Registers and receivers receive salaries of \$500 and fees up to \$3,000 a year, and therefore if the receipts in fees in a given office are only \$3,000 a year they are divided between the register and receiver and they receive \$1,500 each, but if you abolish one office under the terms of your legislation you double the salary of the remaining officer—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I do not want to encroach upon the time of others, but I suggest that I asked for 10 minutes when the limitation of time was agreed upon, and I now ask that I may proceed for 5 minutes further.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] No objection is heard.

Mr. MONDELL. Therefore as to these 25 offices the new policy proposed increases the pay of the register, for it gives him all the fees up to \$2,500. In lieu of the receiver, who in many instances only receives from five to fifteen hundred dollars, you provide a chief clerk who is to receive \$2,000. I have figured out the matter very carefully on every office in the country and assuming that business shall continue as it was last year and assuming that no additional clerical help will

be required, and that is a violent assumption, assuming all these things, the largest possible saving under this arrangement is \$38,712.92. The average cost of offices last year for registers and receivers was \$5,306.50. The average cost of offices under the provisions of the bill will be \$5,000, and on that basis the saving would be only \$32,711 even though no additional expenditure was required.

Mr. PAGE. Will the gentleman yield?

Mr. MONDELL. I must hurry along.

Mr. PAGE. Just one question. The gentleman in his figures evidently places the salary of all these chief clerks at the maximum sum that is mentioned, whereas as a matter of fact the record shows a majority of these men would receive very much less than that.

Mr. MONDELL. Well, the record does not show anything, if the gentleman will allow me.

Mr. PAGE. I mean the testimony taken by the committee from the officers of the Government.

Mr. MONDELL. Oh, the gentleman suggests that the commissioner stated that they might not pay all these clerks \$2,000 a year. They have the right to pay them all \$2,000 a year; and in all probability they will in a year or two, if they do not, in the first instance, pay them all that they are allowed to pay them under the law, and then we will have this condition: A chief clerk in a land office in the West receiving \$2,000, sitting beside an appointee of the President who may be receiving all the way from \$500 to \$1,500 or \$1,800.

The following statement shows the situation as regards the land offices under the policy proposed by the committee:

Land office.	Paid register and receiver 1911.	Pay of register and clerk under this act.	Increase under this act.
Nome, Alaska.....	\$136.64	\$2,136.64	\$2,000.00
Camden, Ark.....	4,912.84	5,000.00	88.00
Eureka, Cal.....	3,450.00	5,000.00	1,550.00
Independence, Cal.....	3,351.00	5,000.00	1,649.00
San Francisco, Cal.....	1,000.00	2,500.00	1,500.00
Del Norte, Colo.....	3,562.00	5,000.00	1,438.00
Leadville, Colo.....	1,968.00	3,468.00	1,500.00
Baton Rouge, La.....	1,307.00	2,807.00	1,500.00
Natchitoches, La.....	1,783.00	3,283.00	1,500.00
New Orleans, La.....	2,540.00	4,040.00	1,500.00
Marquette, Mich.....	3,144.05	5,000.00	1,855.05
Jackson, Miss.....	4,134.04	5,000.00	865.00
Springfield, Mo.....	4,071.86	5,000.00	928.14
Lincoln, Nebr.....	2,454.40	3,954.40	1,046.60
Fort Sumner, N. Mex.....	4,500.00	5,000.00	500.00
Devils Lake, N. Dak.....	4,099.72	5,000.00	920.28
Fargo, N. Dak.....	4,443.66	5,000.00	556.34
El Reno, Okla.....	1,186.45	2,686.45	1,500.00
Guthrie, Okla.....	4,315.12	5,000.00	684.88
Portland, Oreg.....	4,671.96	5,000.00	328.04
The Dalles, Oreg.....	3,980.30	5,000.00	1,019.70
Timber Lake, S. Dak.....	1,000.00	2,500.00	1,500.00
Olympia, Oreg.....	1,790.87	3,290.87	1,500.00
Wausau, Wis.....	4,026.64	5,000.00	973.36
Evanston, Wyo.....	4,379.02	5,000.00	620.98
Total.....	76,189.17	29,053.73

Land office.	Paid register and receiver 1911.	Pay of register and clerk under this act.	Decrease under this act.
Montgomery, Ala.....	\$5,272.48	\$5,000.00	\$272.48
Juneau, Alaska.....	5,488.84	5,000.00	488.84
Oakland, Cal.....	5,000.00	5,000.00
Redding, Cal.....	5,376.38	5,000.00	376.38
Susanville, Cal.....	5,169.75	5,000.00	169.75
Durango, Colo.....	5,229.76	5,000.00	229.76
Glenwood Springs, Colo.....	5,725.00	5,000.00	725.00
Hugo, Colo.....	5,500.00	5,000.00	500.00
Topeka, Kans.....	5,872.68	5,000.00	872.68
Kalispel, Mont.....	5,431.11	5,000.00	431.11
Missoula, Mont.....	5,388.80	5,000.00	388.80
O'Neil, Nebr.....	5,253.34	5,000.00	253.34
Bismarck, N. Dak.....	5,797.50	5,000.00	797.50
Lawton, Okla.....	5,905.24	5,000.00	905.24
Burns, Oreg.....	5,437.10	5,000.00	437.10
Roseburg, Oreg.....	5,916.67	5,000.00	916.67
Total.....	7,766.65

Saving, 61 offices, maximum.....	\$61,000.00
Saving, 16 offices.....	7,766.65
Total.....	68,766.65
Loss, 25 offices.....	29,053.73
Total.....	38,712.92

Fiscal year 1911, 105 land offices, cost, salaries and commissions, \$557,183. Average, \$5,306.50 each. If new bill made the cost \$5,000, the saving would be \$32,711.

Now, even though all the sums suggested by anyone were to be saved by this legislation, it should not be enacted, because it is not in the interest of the settler on the public domain nor is it in the interest of the body of the people.

The register and receiver sit in judgment on land cases. They are familiar with local conditions. They are charged with the responsibility of passing upon all the questions of law, of fact, and of equity arising under the public-land laws. It is now proposed to dispense with one of those officials and send a civil-service clerk out there to sit in the place of one of them. And, more than that, the provision which my amendment would strike out gives this clerk the right to exercise all the authority and all of the jurisdiction that is now exercised by both the register and receiver.

Under that condition of affairs what would happen? From the very initiation of an entryman's right to the last judgment in the Secretary's office no individual will pass upon it who is familiar with the country, who is familiar with the conditions, who is in a position to understand the equities of the entryman. Civil-service clerks, from the initiation to the close of the case, are to pass upon the right of American citizens to acquire homes on the public domain under the laws of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I am in favor of the motion of the gentleman from Wyoming [Mr. MONDELL] to strike this provision from the bill, first, because I do not believe that legislation as important as this legislation should be incorporated in an appropriation bill.

It has been suggested that this provision is in order under the Holman rule because it would save expense. In my judgment, Mr. Chairman, it will not save one dollar in the expenses incurred in connection with the administration of the land offices of the country.

I remember only a few years ago when it was proposed by the Interior Department to discontinue the Indian agents, and to consolidate the position of the school superintendent and the agent in one position, and we were assured if that was done we would save a large sum of money.

Mr. Chairman, we did discontinue agents and substituted the school superintendents, but the experience has been it has not saved expense, but simply has put into the classified service positions that theretofore were filled by appointments made by the President and confirmed by the Senate, and we now have at the Indian agencies of the country agents who are charged with great responsibility, who are in some instances clerks sent out from the Indian Office, who never had seen an Indian until they left the District of Columbia and never had had any practical experience in dealing with Indians.

If this provision remains in this bill and becomes a law we will have, as the gentleman from Wyoming states, a clerk detailed or designated and sent to the local land offices from the General Land Office to pass upon questions of great importance.

Under existing law the registers and receivers are appointed by the President and confirmed by the Senate. They are offices of a good deal of responsibility, and as a general rule they are filled by men of a large caliber, men who have had experience, and usually one of them is an experienced lawyer.

Among the duties that they have to perform, as has been stated by the gentleman from Wyoming, is the duty of passing upon questions involving the rights of those who settle upon the public domain, and, in the case of a homesteader who may have a contest filed against his entry, a hearing is had. Before whom? The register and receiver, and they join in a decision and determine whether or not that entryman is to have his land and is to be permitted to keep his home, or whether his entry is to be canceled.

What does this bill do? It not only abolishes one of these places, but it provides that in the absence of the register, or in the case of a vacancy in the office of register, a clerk, who they say may receive much less than \$2,000 a year, is going to have the power and authority to pass upon these important questions—questions, as I say, determining property rights, and in many instances rights that are of great value.

I say, Mr. Chairman, that this is only another suggestion that comes from a bureau of the Government to extend the classified service. We have already by legislation made these various bureaus so that they are to-day close corporations, and this is an effort to make them still closer and give them greater power and authority than they now possess. If we get rid of the receivers, it will not be long until it will be proposed to do away with the registers also and fill their places with a civil-service clerk. You might just as well say that we might do away with the positions that we hold here and let the duty devolve upon our clerks, or do away with the Commissioner of the General

Land Office and let the duties that he now performs be performed by the chief clerk of that particular bureau.

I say to you, Mr. Chairman, that from every standpoint, and particularly in view of the fact that the entrymen who file upon the public domain are bound by the decisions of the department and have no right to go into any court, we ought at least to permit them to have men of high character, men of wide experience, and men capable of determining judicial questions, and to have two, as we have heretofore had, to pass upon questions that involve their property rights instead of leaving it to one, and possibly that one a mere clerk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I offer the amendment which I sent up to the desk heretofore.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The Clerk read as follows:

Amend the amendment by adding the following: "All the public domain now undisposed of, or not applied for under applications now pending, shall be turned over to the respective States wherein the same are situated."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the amendment.

Mr. RUCKER of Colorado. Now, Mr. Chairman, I have been quite indifferent about this battle as it has raged around the question of the cost of these receiverships, being a good deal like the sulking Henry the Sixth, who retired upon his mound living upon the frugal curds of his herd and watching the mother sheep to suckle the lamb and with equanimity witness his queen and her advisers upon the opposite mound carry on the battle, because from my point of view it is a matter of indifference to the country if the proper legislation is enacted. Again, because I realize the fact that neither one of these factions know exactly what they are contending for. If I had my memorandum here that I had before the public-land States' convention that met in Denver a year ago, where my friend MONDELL was the chairman, I could demonstrate to you that whatever amount you expend here toward the disposition of the public domain, whether it be by way of receivers or by way of extra clerks, is so much money thrown away, because the United States, every day that it maintains these establishments, is losing money. It is topheavy now, and therefore I am against both the retention of the receivers and the employment of clerks in their places.

If you will disabuse your minds once of the idea that the great West is going to produce revenue enough to run this Government, and that you can fix your tariff rates just as you please, and that it does not make any difference, because the West is going to produce enough revenue anyway, if you will disabuse your minds of that idea, then we can discuss these questions intellectually. Here is the concrete fact. It can be demonstrated that the Government is running behind every day that it maintains these offices to dispose of the public lands. The public land should be turned over to the States, just as it was to a majority of the States in the earlier settlement and building up of the great Commonwealths of this country. Those States had the benefit of the public domain, and though it might be a burden to us for a while, at the same time it would relieve the Government of this vast expense of carrying on these offices and receiving not a dollar of revenue in return.

Mr. BARTLETT. The gentleman does not mean to say that the original 13 States ever got any land from the Government?

Mr. RUCKER of Colorado. They not only got their land, but they gave away all the balance of the great public domain.

Mr. BARTLETT. Virginia and Georgia gave their land to the Government instead of getting anything from the Government.

Mr. RUCKER of Colorado. They did not give to the Government what they themselves retained. They did give away all the balance of the country—all that was west of them.

Mr. BARTLETT. The Government never had any public land in Georgia or Virginia.

Mr. RUCKER of Colorado. It had no public land because it was then all private land, but when the public-land service came in you had already taken your part, and now you ask to participate in what is remaining in the western country.

Mr. BARTLETT. We have not taken our part from the Government, because the Government never had any part of the land in Georgia or Virginia.

Mr. RUCKER of Colorado. To whom did it belong? It belonged to somebody.

Mr. BARTLETT. It belonged to the people of those States.

Mr. RUCKER of Colorado. And the purpose of my amendment is to give to the States the public lands within their borders. And then you should disabuse your minds of the

idea that you are going to run this Government upon the great unrevealed resources of the West. [Applause.]

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the committee, it is a well-known fact that the registers and receivers of the United States land offices are now receiving a very modest compensation, considering the character of the men who are required to fill those places, the ability that they must have, and the part that they must have played in the upbuilding of the communities before they are permitted to receive appointments of this kind. The maximum compensation is only \$3,000 each, and it has been provided that if the business of the office does not keep up, so as to justify that amount of compensation, it shall be cut down accordingly; and for that reason we find here this afternoon that many registers and receivers are receiving less than the maximum, and some are receiving only \$500. Now, the practical working out of this matter is this: When the homesteader from the South or East goes to Oregon, Washington, California, or any of the other public-land States, the first thing he does when he gets off the train with his three or four children and the old boxes and baskets that they have carried along with them to eat from during their long and arduous trip, what is the first thing that the homesteader does? Remember, gentlemen, that on their journey across the country they do not eat in the dining car as you and I do. They travel in the tourist cars, and they eat out of a box, and they carry their food with them from their homes in the East. When they arrive at their destination the first thing they do is to go to the office of the register and receiver of the United States land office and ask them for advice as to where the best place is to find a homestead within the land district. Then when they are ready to prove up they come back to those officers who are supposed to be acquainted with local conditions and who have probably been over the land. They make their final proofs, and those two officials pass upon the sufficiency of their acts of residence, improvement, and cultivation.

It is said that we will save \$101,000 a year by substituting for the local receivers special agents designated from Washington to go out and sit in their places. If as a result of that change you cancel the homesteads of 1,000 men every year whose homesteads would not otherwise have been canceled, and damage those men and their families \$1,000 a piece, the \$100,000 saved on the one end will be lost in cash by certain of your fellow citizens upon the other, and in addition the loss in patriotism and love of country will amount to as many millions of dollars. In fact, it can not be measured by any money standard. I say, Mr. Chairman and gentlemen, that you must give to every part of the United States home rule. You must give justice and a square deal to every quarter of this Republic if it is to go on through the centuries as it has for 136 years. We must not consider the saving of a few dollars. We must not be picayunish when it comes to dealing with those who go upon the public domain.

I have had experience along this line, and that is why I take five minutes to address you on the subject. I know that when I was in the General Land Office seven years ago, preparing to be sent to Oregon as a special agent, that I heard from the lips of the bureaucrats that all registers and receivers ought to be appointed from the General Land Office, that these special agents ought to be appointed, and that the time would soon come when they would be. That is why they have slipped in the sundry civil bill a provision to abolish the receivers and put in these special agents, because they are the men that will be designated. You will not save anything.

Mr. PAGE. What does the gentleman mean by "slipped in?"

Mr. LAFFERTY. Because the Commissioner of the General Land Office before the Committee on Appropriations—

Mr. PAGE. It was not slipped in; it was put in.

Mr. LAFFERTY. The commissioner succeeded by gum-shoe methods in having this put on when the Members of the House knew nothing about it until it was reported and on the calendar.

Mr. PAGE. Did the gentleman from Oregon address the committee or make any request of the Appropriations Committee to be heard?

Mr. LAFFERTY. I would have had I known that there was a proposition of this kind.

Mr. PAGE. This item has been proposed time and time again, and the gentleman ought to have expected it.

Mr. LAFFERTY. But it has been so uniformly turned down that I did not think that they could fool the Committee on Appropriations at this late date. [Laughter and applause.] Now, it is said that it will save \$10,000 a year. When the chief clerk is appointed at Washington and sent to Oregon or the State of Washington he is sent in grand style, in a Pullman car. I know

many that travel in a stateroom and have a typewriting machine along with them and a lot of records. All that expense has to be paid. The transportation, the expense of the dining car, and all that sort of thing, has to be paid, and by the time you send your chief clerk to Alaska his expenses will be over \$1,000. Then he may be transferred to some other land office at the end of the year and that expense of transfer gone over again. Now, you will not save very much in cash.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. Mr. Chairman, the argument in support of this provision in the bill is solely a question of economy. After hearing the gentleman from New York, the chairman of the Committee on Appropriations, the Chair said he was in doubt as to whether or not there was any saving. In fact, I am convinced that it will increase the expenditures of the Government. The gentleman from Wyoming based his calculation on the fact that the business of the Land Office would remain as it was last year, but in the event that the public lands should not be disposed of at the ratio that they were last year or the year before, the expenditures of the department for receivers and registers would decrease. In many instances their salaries would only be \$500, so that in the event that there is a decrease, which is very likely to occur, then this provision will result in an increased expenditure instead of a decrease.

But the question of expenditure is not the one which we ought to chiefly take into consideration. I have lived in the West all of my life and am familiar with the conditions of a new country. I know what functions the register and receiver of the land office perform. I know that they have contributed very largely to the upbuilding of the West. They are, as has been stated, men of responsibility, men recommended by Senators and Congressmen, appointed by the President and confirmed by the Senate, and under heavy bonds. They are men usually not only experts in business, but in most cases men learned in the law, and especially in land law. They are able to give advice to intending settlers that desire to take up land. They stand between the settler and the special agents or detectives that are sent out by the Government to see if the settler has complied with the law.

Now, if you turn all these functions over to the detectives, to these special clerks, you simply have the ambition of the detective to make out cases against the settler with no impartial man to stand between him and the Government.

Mr. BYRNS of Tennessee. Why is it that the register in the land office could not perform that particular service?

Mr. STEENERSON. The register does perform it a part of the time, but it needs two.

Mr. BYRNS of Tennessee. I do not understand that it needs two men to give advice.

Mr. STEENERSON. But somebody has got to sit in the office and do the office work. They have to decide cases and read evidence. I have tried cases in the land office for weeks and never saw but one of them; the other was attending to the settlers at the window who wanted to know if there were new lands opened up in another township. He was attending to that while we were trying the case before the receiver who was the judge to pass on the evidence and rule on the objections. They are constantly employed and render high and valuable services.

Mr. BYRNS of Tennessee. I will say that the Commissioner of the Land Office stated that by reason of this dual activity shown by the register and receiver together, it frequently created confusion.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. That is a mistake.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FRENCH. Mr. Chairman, those who have spoken have already brought out in the brief time at their disposal the reasons why it is inadvisable to abolish the office of receiver in our public-land offices. There is one observation further, however, that I would make. If I had it in my power I would establish land courts throughout all the public-land States. I would have the land problems as they concern the rights of settlers and the application of the law applied in those courts. However, that is not possible at this time, but the retention of the office of receiver makes it possible for a nearer approach to the condition that I suggest than if the office shall be abolished.

To-day the register and receiver preside over land contests between individuals or between the Government and the individual. The register and receiver consider the evidence submitted and apply the law to the evidence. They join in rendering the decisions, and I say that the weaknesses of our land

laws and of their application arise largely through the administration of the laws by those who are not in such close association with local conditions as are the register and receiver of the public-land offices.

It is well that we retain the office of receiver, so that an officer in addition to the register may, in the first instance, hear the evidence, have opportunity to see the witnesses, and apply the law in determining the case.

Of course, under our present system appeal lies to the Commissioner of the General Land Office, and from him to the Secretary. These officers are located in Washington. Only in rare instances can they see or hear testify the applicant for public land, and I submit that they should be guided by the judgment in large part of responsible officials in the local land offices scattered throughout the United States. I submit that the judgment of two officials in the first hearing and trial of every case is better than the judgment of one alone. It is suggested that possibly the Government would save a few dollars by following out the policy proposed by the Committee on Appropriations. That the Government would save by this policy is emphatically denied by others. At any rate, if the Government should save it would be at the expense of the applicant for public land, and it would mean the determination of his interests in larger degree than at present upon ex parte evidence. I am opposed to the proposition advanced by the Committee on Appropriations.

Mr. KINKAID of Nebraska. Mr. Chairman, in the interest of the homestead sections of the United States, and I think in the interests of economy of administration also, I protest against the proposed legislation in the pending bill. I think it is a mistake. I do not think that any economy will be realized by the change contemplated by the legislation that is attempted to be passed by the provision. Therefore, for that reason alone, I should be in favor of the amendment.

Besides this, Mr. Chairman, I think it ill advised after the long-established system of the administration of the homestead law to now interrupt it, to overthrow it and inaugurate a new and untried plan.

Now, it is true that each of these officers exercises judicial as well as administrative and ministerial functions, but they are both required; there is a necessity for each exercising these same judicial functions. As instanced by the gentleman from Minnesota, it is frequently the case that one is to hear contests and will be employed continuously for a week hearing one contest when the other officer must at the same time pass in a judicial way upon filings which are offered.

I am opposed to the legislation because it is against our republican institutions. It is against local autonomy in the administration of our laws. The receiver, as well as the register, is chosen from the people in the States, in the land-office district usually where he officiates. He understands the homestead law. He has lived in the homesteading atmosphere and knows how to apply the law. I think if any mistake has been made in the selection of special agents to go out and inspect how entrymen are complying with the laws, whether they are complying with it, it is due to the fact that they have been chosen from sections of our country where they have not been afforded an opportunity to learn in a practical way anything about homesteading and what might reasonably be expected of a homesteader in compliance with the homestead laws. Mr. Chairman, who is asking for this legislation?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. FERRIS. I know the gentleman has had wide experience in public-land matters. Does he not think there is a tinge of duplication in the register and the receivership? And is it not true that either the register or the receiver in the trial of land-office cases invariably sits alone to hear the case?

Mr. KINKAID of Nebraska. Oh, no. In hearing a contest, Mr. Chairman, there is so much work to do that one rarely sits alone. They may sit alone, but they will both review the testimony when it is written out.

Mr. RUCKER of Colorado. And join in the decision.

Mr. KINKAID of Nebraska. Yes.

Mr. FERRIS. Mr. Chairman, I have had some experience before the Land Office myself. I practiced for six or eight years in the land office in my own town.

Mr. KINKAID of Nebraska. But, Mr. Chairman, when my friend, the gentleman from Oklahoma [Mr. FERRIS], asked me to yield I was propounding the question, Who is asking for this legislation? I am sure our constituents have not asked for it. I am sure they do not wish it. I have great respect for the views of the experienced and very capable officials of the Department of the Interior about these administrative matters, but my belief is that the people in homesteading sections are

in general very much attached to the present organization of district land offices, and that they would regard it as a deprivation to their important interests—the interests of their homes, to which they are seeking to perfect title—that the change in contemplation be made.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. That would not leave any time for those who are opposed to the amendment.

Mr. FITZGERALD. Mr. Chairman, has the time been exhausted in favor of the amendment?

The CHAIRMAN. During the pendency of the discussion agreeing upon 40 minutes being granted to one side and 10 minutes to the other 4 minutes were consumed. When it was finally agreed that debate cease at 4 o'clock and 20 minutes, four minutes of that time had already been consumed, so that if those opposed to the amendment consume the time allotted to them there will be only six minutes remaining to the gentleman from New York.

Mr. KINKAID of Nebraska. Mr. Chairman, I desire only to answer the gentleman's question.

Mr. MONDELL. Mr. Chairman, I desire to reserve five minutes on this side.

Mr. FITZGERALD. But the gentleman can not, because it is all gone.

Mr. MONDELL. I think we have five minutes remaining, as I understand it, at the close of the time of the gentleman from Nebraska.

Mr. KINKAID of Nebraska. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, the purpose of this provision is to improve the efficiency of the land office and at the same time effect a very considerable economy. This recommendation has been made now for three different years by the Commissioner of the General Land Office, and it has been recommended and approved by the Secretary of the Interior. In the estimates for the fiscal year 1912 there is found this note accompanying the estimates for the salaries of registers and receivers:

There is no need for two officers of coordinate rank and authority in a United States land office, and it was not contemplated when the office of receiver of public moneys was created that that position should be anything more than that of a fiscal officer. All of the functions strictly pertaining to the office of receiver could be better performed by a bonded cashier or financial clerk under the supervision of one officer as the administrative head of a United States land office. The performance of judicial and quasi judicial functions by receivers has resulted in the unsatisfactory administration of many of the land offices. The joint exercise of judicial duties by both the register and receiver results in many cases in conflicting decisions by them, and the fact that all of the decisions of local land officers are subject to review on appeal by the Commissioner of the General Land Office and the Secretary of the Interior would safeguard all the rights of any parties interested. Quite often there is a lack of harmony, amounting to friction, between the register and receiver, which has resulted in a demoralization of the office in which such condition obtains. The existence of a dual responsibility as to the conduct of an office between the register and receiver tends to prejudice of the conduct of the office, inasmuch as in cases of irregularities or errors in the running of the office each officer attempts to relieve himself of the responsibility therefor and shift the same to the other officer. In addition to this it is a fact, long patent to the General Land Office, that approximately only 75 per cent of receivers personally perform the duties of their office, the remainder leaving the work thereof to a subordinate, thus entailing an unnecessary expense in the conduct of their offices. Further, on account of the limited tenure in office, the receiver does not familiarize himself as fully as he should with the laws and regulations pertaining to his work, with the result that in a great many cases the accounts of receivers of public moneys are so inefficiently handled that the result is an immense burden upon the General Land Office and upon the field service in attempting to correct the numerous errors made. It frequently happens that the changes in personnel of receivers causes much confusion in their accounts for a considerable period until a new officer is acquainted to a certain extent with the duties of his office.

Mr. Chairman, this provision in the bill is to eliminate useless political officers and to substitute in their place men who are selected with regard to their qualifications for the work and to give them a tenure of office that will promote the efficiency of the administration of the public service.

In a majority of the land-office States it is a notorious fact that 75 per cent of the officials whose places are to be abolished by this provision do not personally perform the duties of their offices, but turn it over to a subordinate. In the place of such a condition it is proposed to have appointed officials selected in accordance with the civil-service laws to perform those duties. Now, some gentlemen have been complaining that an attempt was made at one period during this session to strike down the civil service of the country. Here is an attempt, based upon the recommendation of responsible officials, to place in charge of the administration of these offices competent, efficient men,

who will be compelled to discharge the duties of the office and not devolve them upon subordinates, which adds to the expense of the offices. This provision will relieve the office at Washington from considerable expense and trouble, as well as the ordinary field force, and greatly advance the interest of those seeking to secure their patents through these local offices. The gentleman from Oregon, and some others, seem to imagine that the designation of chief clerk necessarily means the appointment or sending out from Washington of some officials. The purpose is to give to the clerk in the local office that title so as to differentiate them from the other clerks there. I believe the result will tend very greatly to an efficient administration of these offices, and I hope the amendment of the gentleman from Wyoming will not prevail.

The CHAIRMAN. The hour of 4.20 having arrived, all debate upon this subject is at an end.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Colorado offered an amendment, and I insist upon the point of order on the amendment. It proposes to turn over to the several States the unappropriated public lands in the various States.

The CHAIRMAN. The point of order is sustained. The question now is on the adoption of the amendment offered by the gentleman from Wyoming.

The question was taken, and the Chairman announced the yeas seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 28, noes 52.

So the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I ask now to go to page 93, lines 8 and 9. The gentleman from Wyoming offered an amendment to that paragraph.

The Clerk read as follows:

Page 93, strike out lines 7, 8, and 9, and insert "salaries and commissions, registers and receivers; for salaries and commissions of registers and receivers of district land offices, at not exceeding \$3,000 per annum each, \$560,000."

Mr. MONDELL. Mr. Chairman, I do not want to impose on the patience of the House for a further discussion of this matter, but I want to say one word more. The Democratic Party has always claimed to be in favor of home rule—local self-government. I believe that the party has to a certain extent lived up to that declaration of their principles. But here is a case where they are proposing to radically depart from that policy and substitute in cases in which the people of the country are greatly interested, in cases involving the homes of settlers, for the judgment of local men, the judgment of substantial citizens familiar with conditions and in proper sympathy with the aims and aspirations and ambitions of the home builder, to substitute for the judgment of that class of men in cases that involve law and fact and equity, the judgment of a clerk, admitted to Government service through a civil-service examination, sent from the ends of the country into a region they may know nothing of, to pass upon questions that he can not in the nature of things be familiar with; to pass in judgment upon the property of home builders, upon the rights of men who are seeking to acquire the homes that Congress has provided for them on the public domain. I can not understand how that side of the House can consistently vote for such a proposition.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] very unfairly, I believe, injects into this case a proposition that is not involved. He asserts baldly and boldly that the Democratic Party insists on thrusting upon a local community officers who are not acquainted with the situation and who are not capable of understanding those conditions. The gentleman asserts that this paragraph and this amendment involves that practice. I do not so understand it. Registers and receivers of public land offices are to-day appointed by the President of the United States. Under this language they will still be appointed in Washington through the Interior Department, and I assert from my experience and personal contact with it that the Interior Department has, in fact, been appointing the registers and receivers all the time so far as the real practical side of doing that is concerned. The President of the United States acts upon their suggestion and acts upon their advice. He must of necessity do it, so there is as much bureaucracy in one method as the other. Now, one word—

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

Mr. FERRIS. In just one moment. Now, as to the proposition that the Democratic Party is going to eternal and everlasting ruin because we voted to abolish receivers of land offices, I live in the West, and I have had some personal contact with public land matters. I have been a homesteader myself within the last 10 years, and acquired title to a tract which I still have. I had appeared before public land offices as a law-

yer in my town five or six years before I came here, and I assert the rule and practice to be that either the register or receiver actually sits and tries the case while the other one does clerical duty, if anything at all. There is no question that in the last 10 years there has been no necessity whatever for keeping two coordinate officers to do one and the same thing. It has resulted invariably in two men standing side by side, each one with equal powers, and there arises invariably friction and trouble between them. One man ought to be the king bee of the land office; he ought to be a strong, fearless lawyer; and the amendment of this committee does nothing more than to say that one man will be supreme and the other shall act in conjunction with and under him, as it ought to be.

Mr. MONDELL. It does substitute civil clerks for local officials, does it not?

Mr. FERRIS. Well, unless the question of civil service is only a bubble you can not well attack that. If the gentleman wishes to assail the civil service, it is up to him to do it. If he wants to assail the civil service and say it is better to have political appointments rather than the merit system, I yield to him a monopoly of that thought, so far as I am concerned.

Mr. MONDELL. The Hall of the House echoed with the eloquent tones of the gentleman from Oklahoma the other day in denunciation of bureau clerks and civil-service clerks in his State. Has the gentleman entirely forgotten that?

Mr. FERRIS. The gentleman has wrongly stated that. My voice echoed here, if it echoed at all, at too much supervision and too many clerks, and it is echoing in the same note to-day. My position is fully consistent. It is a parallel position. I shall assume it in the future.

Mr. RUCKER of Colorado. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield?

Mr. FERRIS. I regret I can not. I must proceed a moment further. I refuse to let gentlemen on that side of the aisle get up here and assail unfairly an amendment proposed by this side.

Here is the situation: Here is the case of the homesteader with a contest. He tries his case first between two coordinate officers, standing side by side, equal in power and in practice. One man tries the case while the other performs clerical services only. Only one actually tries the case. I have tried numbers of them myself as an attorney. What next? They send it here to the Commissioner of the General Land Office. He again tries it. What next? They send it across the street to the Interior Department, and the Secretary of the Interior again tries it. It is the circuitous character of the whole performance that is a burden to the homesteader, and I insist that the functions in this regard of either the General Land Office or the Interior Department ought to be eliminated from the equation.

I want to say with respect to the chairman of the Committee on Appropriations that he has not gone far enough. He ought to say that after a case is tried in the local office before the register the function of the General Land Office or the Interior Department in connection with one or the other ought to be eliminated altogether. Both of them in this regard have no mission to fulfill and no purpose to execute.

Mr. RUCKER of Colorado. What does the gentleman say about the proposition of doing away with all these offices and all these expenses in behalf of my amendment to the amendment?

Mr. FERRIS. The gentleman's amendment might seem pretty revolutionary at first blush, but there are things that are worse than that. In fact, it would not surprise me if we all come to it.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. FERRIS. I do.

Mr. BURKE of South Dakota. The gentleman from Oklahoma has told us of his large experience in public-land matters and his long practice before the department.

Mr. FERRIS. I hope the gentleman will not be facetious about that. I have rendered the service I have referred to.

Mr. BURKE of South Dakota. I am not facetious about it. The gentleman also stated that he himself had acquired a homestead under the public-land laws.

Mr. FERRIS. I did.

Mr. BURKE of South Dakota. Now if some little land inspector had reported against the gentleman's entry, as being fraudulent, then a hearing would have been had?

Mr. FERRIS. Undoubtedly.

Mr. BURKE of South Dakota. And a trial had?

Mr. FERRIS. Undoubtedly.

Mr. BURKE of South Dakota. Would the gentleman have cared to have his rights determined by a \$1,200 or a \$1,500 department clerk in the land office?

Mr. FERRIS. No; I did not say that, but I believe he would be as competent as most of them.

Mr. BURKE of South Dakota. Does the gentleman believe that he would be as competent as the register?

Mr. FERRIS. He would not pass upon it. The register would do that. The clerk would perform clerical duties and not judicial duties, as it should be.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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 \$25,000 for clerical services in bringing up and making current the work of the General Land Office, instead of \$250,000 made available for that purpose for the fiscal year 1912, \$500,000: *Provided*, That agents and others employed under this appropriation shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the District of Alaska they may be allowed not exceeding \$6 per day each, in lieu of subsistence.

Mr. LAFFERTY. Mr. Chairman, I move to amend this paragraph, on line 12, by striking out "\$500,000" and inserting in lieu thereof "\$100,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oregon [Mr. LAFFERTY].

The Clerk read as follows:

Amend page 96, line 12, by striking out "\$500,000" and inserting in lieu thereof "\$100,000."

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

Mr. LAFFERTY. Mr. Chairman, I desire to be heard on that amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Chairman and gentlemen of the Committee, the paragraph just read provides for half a million dollars for the coming fiscal year for special agents of the General Land Office to go into the 10 public-land States of this Union and prevent depredations upon the timber and prevent the fraudulent entry of the public domain.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oregon yield to the gentleman from Texas?

Mr. LAFFERTY. Yes.

Mr. GARNER. Are these land agents appointed through the civil service?

Mr. LAFFERTY. No; they are not.

Mr. FITZGERALD. The gentleman is mistaken.

Mr. LAFFERTY. I should say they have recently been covered into the civil service. But they are temporary employees, depending for their existence upon the life of this appropriation. They live from one appropriation to another and no longer, and whenever the appropriation is exhausted by their expenditures and perambulations over the country they are furloughed until Congress makes another appropriation.

Now, I want to call attention to the history of the rise and progress of the special agent. We have plenty of machinery in this country for preventing frauds and for enforcing the laws in the ordinary course of human events without sending these gentlemen upon these trips of espionage into the Western States of this Union. You have in every Western State your United States district attorneys, your Federal courts, your Federal grand juries, and the registers and receivers, and United States commissioners in every county and precinct, and it is the duty of all these Federal officials to report derelictions in regard to the public-land laws to the Federal grand jury. From the time of the beginning of the disposition of the public lands at the close of the eighteenth century down to the close of the year 1878 no such thing as a special agent of the General Land Office was ever heard of. In the year 1878 the Commissioner of the General Land Office called the attention of Congress to the fact that there had been a number of depredations committed upon the public timber lands of the West, and urged that he needed to employ temporarily a few special agents at

\$100 a month and \$3 a day for expenses to assist the Federal district attorneys in gathering testimony and in the trial of those cases.

There is where this system first sprang up. Congress made an appropriation of \$12,500 for that purpose. That appropriation, in the same language, has been carried in the sundry civil bill from 1878 to the present day. It has grown year by year from \$12,500 in 1878 to \$1,000,000 three years ago. It had never gotten up to more than \$125,000 until five years ago or six years ago, when it was raised to \$250,000. Afterwards it was raised to half a million dollars, and it reached its flood tide three years ago, a million dollars for special agents.

Since that original appropriation was made all of the valuable timberlands have been placed in the forest reserves, and there is no longer any need for any special agent at all in any public-land State of this Union. Yet you propose here in this bill to continue the system, with half a million dollars for the next year. My amendment is to cut it down reasonably to \$100,000, and I will say that you will never do a better day's work during any session of this Committee of the Whole House on the state of the Union than that which you will do by passing this amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment of the gentleman from Oregon will not prevail. I am somewhat familiar with the history of the appropriation contained in this item. I recall very well that in a period of hysteria the appropriation for this purpose was increased very much over what, in the opinion of the members of the Committee on Appropriations, it should be. I recall that within a few days the President of the United States has pardoned a man convicted under the operation of those employed under this or a similar appropriation, because of improprieties in the conduct of the prosecution, and the charge is made that a certain force was organized so as to result in the conviction of men, regardless of the merits.

Mr. MONDELL. The gentleman uses the word "improprieties." Does not the gentleman think that is a rather mild word in the connection in which he used it?

Mr. FITZGERALD. The gentleman is acquainted with the facts; I think I should be permitted to characterize it in my own way. If the gentleman thinks it is not a sufficient characterization, he is at perfect liberty to use such language as he thinks to be properly descriptive.

Mr. MONDELL. I think the gentleman ought to characterize it properly.

Mr. FITZGERALD. The Commissioner of the General Land Office, in presenting his estimates for the next year, pointed out that certain things had been accomplished. The great increase in this appropriation originally was for the purpose of enabling the office to make this work current. It is now contended that the volume of the work in the office is so great that this appropriation is needed for that purpose. Since the fiscal year ending June 30, 1909, the results attained under this appropriation are as follows: Trespass settlements, \$100,868.35 for cutting timber on public lands; recoveries through criminal and civil suits, \$110,575.91; area restored to public domain through cancellation, result of special agents' reports, 498,240 acres; area restored through abatement of unlawful inclosure, 755,341 acres; area restored through suits to cancel patents through proceedings by the Department of Justice, 25,729.67 acres. In 1909-10, when the appropriation was \$1,000,000, the expenditure was \$995,697.26. The trespass settlements were \$198,971.17; recoveries through criminal and civil suits, \$150,262.84; area restored to public domain through cancellation, result of special agents' reports, 746,400 acres; area restored through abatement of unlawful inclosures, 1,764,073.82 acres; area restored through suits to cancel patents through proceedings by the Department of Justice, 12,065.61 acres.

For 1910-11 the appropriation was \$750,000; the expenditure was \$714,675.60. The trespass settlements were \$100,099.70; recoveries through criminal and civil suits, \$129,093.98; area restored to public domain through cancellation, result of special agents' reports, 703,680 acres; area restored through abatement of unlawful inclosures, 1,475,381 acres; area restored through suits to cancel patents, proceedings brought in the courts, 21,340.25 acres.

Mr. GARNER. I understood the gentleman to say, in response to a statement made by the gentleman from Oregon [Mr. LAFFERTY], that these places under the \$500,000 appropriation were controlled by the civil service. I notice in the public press the statement that the Burns Agency or some other detective agency ferreted out a lot of frauds, and that the President pardoned one of the convicted men on the ground that there had been the procurement of false testimony, or the influencing of a jury, or something of that kind. I should like to

ask the gentleman from New York whether this was done under the civil service or not?

Mr. FITZGERALD. Part of this fund was available for the employment of persons regardless of the civil service.

Mr. GARNER. If I understand the gentleman from New York, his position is that only a part of this fund is used for the purpose of employing civil-service people, and that the other part of it is used by the W. J. Burns Detective Agency for the purpose of sending people to the penitentiary whom the President is compelled to pardon for the reason that they have been falsely imprisoned.

Mr. FITZGERALD. I have not made any such statement, and it would require a very remarkable stretch of the imagination to place any such construction on what I said. I said part of the appropriation originally could be used in the employment of persons regardless of the civil-service regulations. I may be in error, but my information is that this money is now used for employing persons who enter the employment of the Government through the civil service. I referred to the statement, as a matter of common notoriety in the press, that Mr. Burns and his assistants had been active in ways to procure the conviction of persons regardless of the merits of the case. There has been room for criticism on both sides, criticism of those who were attempting to obtain the public domain in violation of the law, and criticism of those who in an effort to show efficient administration of the service have permitted themselves to be misled in a way that has resulted in the conviction of at least one person whom the President was convinced had been improperly convicted, and whom he pardoned within a few days.

Mr. MANN. Will the gentleman from New York yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. I notice that the bill provides "\$25,000 for clerical services in bringing up and making current the work of the General Land Office, instead of \$250,000 made available for that purpose for the fiscal year 1912." I take it that the \$25,000 is not instead of the \$250,000?

Mr. FITZGERALD. This money was given for the purpose of enabling the department to employ persons in the field.

Mr. MANN. That is not the question.

Mr. FITZGERALD. I am coming to what the gentleman wants. The original appropriation was \$250,000, to be available for bringing the work up current. A construction was placed on it that the entire sum was available for clerical service in the department in Washington. There have been picked up in the legislative bill \$29,000 for clerks put on permanently.

Mr. MANN. I think the gentleman from New York did not catch my question. The bill says \$25,000 for clerical services instead of \$250,000 made available for that purpose for the fiscal year 1912. The gentleman does not intend to have the \$25,000 applied to the current year?

Mr. FITZGERALD. No; it was placed there to emphasize the situation.

Mr. MANN. But that is not what it says. Having emphasized the situation, what the gentleman means to do is to make available only \$25,000. I do not know how they construe it, but you appropriate \$25,000 there instead of \$250,000 now available and you do not say \$25,000 for the next year.

Mr. FITZGERALD. But the bill itself carries appropriations for the next fiscal year.

Mr. MANN. I think that ought to be stricken out.

Mr. FERRIS. Mr. Chairman, I move to amend the amendment of the gentleman from Oregon by making it \$250,000.

Mr. LAFFERTY. I will accept that amendment.

Mr. FERRIS. I think there are three, and perhaps many more well-defined reasons why this ought to be cut down. The Sixtieth Congress passed a law known as the withdrawal bill, which gave the President full power to withdraw all kinds of timberland, all kinds of water-power sites, all kinds of lands peculiarly valuable for mineral or any purpose. Through the instrumentality of the Forestry Division and other agitation on the subject it is my belief that they have worked the thing overtime and that they have withdrawn more land than should be withdrawn.

Here we have a great raft of agents running across the country who usually know less about the situation than they ought to to carry on that class of work.

The incompetence is not the sole reason why it should be reduced. It is undeniably true that they are unnecessary. First, for the reason that the President has withdrawn the lands that are timber in character which are now in the forest reserve. He has withdrawn every sort of mineral land that is of any value for mineral purposes, leaving only lands agricultural in character, most of which are arid lands now subject to

entry. The policy has always been to get into the hands of the actual settler at the earliest possible moment agricultural lands. The more circuitous you make it the less is accomplished for the homesteader or the country.

The second reason why it ought to be cut down is that it is the law to-day that if the homesteader does not comply with the law every person living in that community who knows the facts has the right to file his contest affidavit against the entryman, try and establish his case, cancel the entry, and get the land himself. Somebody may say that he would not contest his neighbor, but it does not work that way. There is a sufficient reward or incentive to make every man and every neighbor a keeper of the land and a protector of the land as well, and he by far affords superior protection to the public domain than the man who travels in the Pullman palace car across the continent trying to find something out that does not exist. Smelling around, causing trouble to the homesteaders, expense to the Government, and bringing criticism on the Government.

Now, the three reasons, as I have said, are that the timber land is in the forest reserve, the fact that the land of a mineral character has been withdrawn by the President under the bill passed by the Sixtieth Congress, and the further reason, the fact that every citizen can contest his neighbor if he does not comply with the law. With these three restraints, with these three protections afforded him, there is no use sending from one end of the country to another a lot of useless propaganda-smelling agents that have a retarding effect instead of a wholesome effect.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. Does the gentleman wish the House to understand that the Government ought not to have any agent who can visit the property and gather the facts that must be gathered by somebody?

Mr. FERRIS. In every community they have the full quota of officers in the land office. This and the restraints referred to, particularly the right to contest, is fully sufficient.

Mr. MADDEN. But the gentleman says that the whole thing ought to be cut out next year.

Mr. FERRIS. The land office has a register and receiver and a land office force that has the matter in charge, and that is all that is necessary.

Mr. MADDEN. But those men can not go out on the ground.

Mr. FERRIS. They do not have to go out, the contest is brought before them, and they do just what a court would do and decide it. The contestant who is seeking to acquire the land will marshal the facts before the register.

Mr. MADDEN. But the Government of the United States ought to have some agent from whom the Government can get information upon which to base some action as to whether the laws have been complied with or not.

Mr. FERRIS. Well, this amendment provides \$250,000 for that purpose. That is plenty and probably too much.

Mr. MADDEN. But the gentleman says that they ought to have no appropriation after this year.

Mr. FERRIS. I did say that, and I believe it. I think next year we ought to eliminate it altogether. Let this be notice to them.

Mr. MADDEN. The gentleman advocates doing away with every agent of the Government to give the facts to the Government upon which the Government may base its action.

Mr. FERRIS. That only applies to the smelling field agents. I say that every one of the field agents that go around over the country should be done away with. The local force of the bureau and the neighbors to make the contests is everything that is necessary.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. FERRIS. Mr. Chairman, I do not care for it, unless the gentleman desires to ask me a question.

Mr. MADDEN. I desire to ask the gentleman from Oklahoma a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, the gentleman stated this proposition, that there was no need for any other protection than the opportunity which might be afforded by the contest which a settler's neighbor might file, did he not?

Mr. FERRIS. Well, that was sufficient for 100 years, and I think, now that the land is practically all taken up, it is still sufficient.

Mr. MADDEN. I do not agree with the gentleman.

Mr. GARNER. Mr. Chairman, will the gentleman from Oklahoma yield?

Mr. FERRIS. Certainly.

Mr. GARNER. Mr. Chairman, a few moments ago I asked the gentleman from New York with reference to information concerning public reports, reports in the newspapers, with reference to the conviction of a gentleman under this provision of law respecting frauds in the public lands, the President being compelled, after thorough investigation, to pardon him because of a miscarriage of justice. I also asked him with reference to the civil service applying to this appropriation, and I understood him to tell the gentleman from Oregon that it did apply, but he qualified that later on by saying that it applied to only a part of it. I would like the gentleman from Oklahoma to tell the committee how the civil service can apply to a part of this appropriation and not apply to all. In addition to that, I want to know if the gentleman knows what is the largest salary paid to any agent or detective agency that undertakes to enforce the law under this provision?

Mr. FERRIS. Mr. Chairman, I do not think I can give the gentleman the best evidence there is upon that, and I therefore do not care to attempt to give anything on the subject. I do not have the hearings before me. Perhaps the gentleman from New York, who is in charge of the bill, can afford the gentleman the information.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. BURKE of South Dakota. Can the gentleman tell the committee how many cases were investigated in the last fiscal year?

Mr. FERRIS. I have not the facts before me.

Mr. BURKE of South Dakota. Can the chairman of the committee, the gentleman from New York, tell the committee how many cases were investigated last year?

Mr. FITZGERALD. The Commissioner of the General Land Office said:

Last October, for instance, I remember seeing that we had 35,000 cases, and while we have 22,000, we might six months from now have 30,000. It depends very largely on the work that may be presented.

Mr. BURKE of South Dakota. Is it not true that about 25,000 cases were investigated?

Mr. FITZGERALD. I quote from the Commissioner of the General Land Office:

Mr. DENNETT. Here is a little summary of the cases reported on by months: December, 1910, 30,000 odd; January, 1911, 35,000; February, 36,000; March, 39,000; April, 37,000; May, 39,000; June, 42,000; July, 42,000; August, 40,000; September, 40,000; October, 39,000; and November, 35,000. These figures are all odd. That is for 1911. Just at present we have 22,000 cases, in round numbers.

Mr. BURKE of South Dakota. That is pending cases.

Mr. FITZGERALD. At the time of the hearings he said he had 22,000 cases, in round numbers.

Mr. BURKE of South Dakota. Is it not a fact that they investigated something like 25,000 cases and clear listed about 16,000 of those?

Mr. FITZGERALD. Yes; I think that is about right.

Mr. BURKE of South Dakota. Therefore, the extent of the money we appropriate in investigating 16,000 cases that they clear listed because there was no grounds for it.

Mr. GARNER. Mr. Chairman, I have been very much gratified during this session of Congress at the efforts of the gentleman from New York [Mr. FITZGERALD] to reduce expenditures, and I am a little bit surprised in this instance, when there is a proposition to reduce a lump-sum appropriation of \$500,000 to \$250,000, that the gentleman from New York should oppose it, especially when the gentleman from New York is unable to give any good reason why this appropriation should not be reduced to \$250,000.

Mr. FITZGERALD. Mr. Chairman, let me call the attention of the gentleman to the fact that the very greatest pressure was exerted upon the committee to give \$650,000, the same amount as the current year; and after looking very thoroughly into the matter, knowing the agitation that there has been about the matter, realizing how members of the Committee on Appropriations have been denounced in the uplift magazines for their attempt to hold this appropriation down, and the way the House has invariably run over them, the Committee on Appropriations did not feel justified in flying in the face of the inevitable, and we gave what we believed under the showing made was required.

Mr. GARNER. Mr. Chairman, I am delighted to know that the gentleman has made this appropriation against his own judgment and at the behest of the uplift magazines.

Mr. FITZGERALD. But I did not say that.

Mr. GARNER. I realize, if the gentleman from New York states a fact, that he would be perfectly willing and delighted if the committee should agree with him and his Committee on Appropriations that this appropriation should be cut from \$500,000 to \$250,000, and I hope that the Committee of the Whole will agree with the gentleman from New York and cut the appropriation from \$500,000 to \$250,000.

Mr. Chairman, it has developed here in the discussion of this amendment that there is no civil service applying to this appropriation, and I want to say in this connection that the Commissioner of the General Land Office has my highest respect. I believe he is one of the best employees in the service of the Government, from what I have been led to understand concerning his office, but I do contend that when you make a lump appropriation of \$500,000, without any limit of salary, without any condition as to who is to be employed, that the Committee on Appropriations ought to be able to tell the committee how much of this appropriation has been expended for the purpose of employing private detectives, what the rate of salary has been, what the active members have done, and what the result of their work is. I submit to the committee that the gentleman from New York or any member of his committee has been unable, so far, to point out to the committee the details of the expenditure of the \$500,000.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman from Texas that he is talking about information about a number of matters that nobody intimated was desired and which probably it might be possible to furnish if anybody suggested he desired it. The gentleman asked one question about the civil service and it was answered. He should not complain now that information about other matters was not volunteered when nobody had requested it.

Mr. GARNER. May I ask the gentleman from New York how much of this appropriation is utilized for the purpose of employing men under civil-service rules?

Mr. FITZGERALD. My information is that all of this appropriation is utilized for that purpose. The gentleman is confusing the expenditures made at another time and under different circumstances, not with the conditions that exist at present.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. GARNER. Yes.

Mr. RUCKER of Colorado. I can answer the question the gentleman from Texas propounds to the gentleman from New York, of which he is so very oblivious. I want to say to the gentleman from Texas that in these investigations and criminal prosecutions concerning these land entries that it has cost the Government \$10 where it has covered into the Treasury of the United States \$1, and the records will show it.

Mr. GARNER. Mr. Chairman, I do not doubt that the statement of the gentleman from Colorado is correct. I thought the strongest argument with reference to the protection of the public domain that could possibly be made, from my experience with public lands in Texas, was made by the gentleman from Oklahoma [Mr. FERRIS]; that is to say, that the neighbors of a homesteader have the right to contest his location, to contest his right to that ground by virtue of his continued citizenship on the land, and it always has occurred to me that in each instance there is some one who is willing to take his place because he has not complied with the law.

Mr. RUCKER of Colorado. Not necessarily that, I understand the contestor has the right; it is not the neighbors who are going to investigate that question, but it is the man who comes along and wants the land, and there is a contest which goes up fairly before the register and receiver.

Mr. GARNER. But, Mr. Chairman, usually you find some neighbor who is willing to take the contest for this land; that is to say, he is willing to contest, and, as has been suggested by my friend from Oklahoma, there is a reward for some one who detects a fraud and there is some one competing for that reward.

Mr. FITZGERALD. The so-called Cunningham claims were investigated and the spoliation of the public domain in Alaska was prevented under this appropriation. I do not know of any neighbors up in Alaska or anybody else in Alaska—

Mr. GARNER. Oh, that was a mineral location and coal lands.

Mr. FITZGERALD. Well, that is all out of this appropriation.

Mr. GARNER. While I am not familiar with reference to—

Mr. FERRIS. And it was withdrawn.

Mr. GARNER. It was withdrawn.

Mr. FERRIS. Withdrawn as a result of this investigation.

Mr. GARNER. I do know that it has developed here that the gentleman from New York or any member of this committee, not

only of the Committee on Appropriations, but any Member of this House, has been unable to give the committee any information as to how much has been expended out of this to any one person, detective, or what the salary was. It is simply a lump appropriation on which there is no limit. You can employ a man at \$10,000 a year or \$20,000, and I do not like that kind of an appropriation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, this item in the bill is for the purpose of protecting the public lands from unlawful and fraudulent entry or appropriation. We all know that the public domain has been robbed right and left in the past, that efforts will continue to be made in the future to rob the public domain. As long as human nature is as it is and the public domain is of value men will endeavor to acquire it without complying with the provisions of the law. They have endeavored to rob the coal lands, they have endeavored to rob the timberlands, they are endeavoring now to obtain possession of the phosphate lands and other valuable lands and the only protection the Government has is the investigations made under the provisions of this appropriation. It is somewhat surprising to me that gentlemen representing public-domain States claim on the one hand that all entries are made in good faith and are valid and on the other hand are objecting to the investigations. Gentlemen say all the timberlands are covered in the forest reserves. They know that is not the case. They say that all the mineral lands are covered. They know that in many cases that requires an investigation to determine the fact. We withdrew phosphate lands or gave the President the authority a few years ago and many claims are pending made before the withdrawal. The phosphate lands are of great value. Men claim that they are agricultural lands on the one side and it is for the Government to determine through its investigators whether the lands are agricultural or whether they are valuable for phosphate; whether we will turn over to private individuals phosphate veins of immense value or whether they will be reserved for the common good. We know if it had not been for the investigations under this appropriation that the Cunningham coal claims would probably have been allowed, of more value to the Government than this appropriation would be for many years. Not only that, when those claims came up in many cases the complaint was made a few years ago that men could not obtain patent to their lands because they were held up pending investigation. They are still being held up pending investigation. If no investigation is made do gentlemen think the Land Office will assume that all of those claims are valid when there is a question, when there ought to be a question, and when there ought to be an investigation?

Mr. RUCKER of Colorado. Will the gentleman yield for a question? The gentleman will not ignore the fact that there must be a publication made always when one seeks to enter a piece of the public domain.

Mr. MANN. I do not ignore that fact, but what has the fact got to do with the question? The gentleman knows that has been the law for many years, and the gentleman knows that in many of these States men have acquired title to vast areas of land when they were not entitled to any of the land.

Mr. RUCKER of Colorado. Then the gentleman must impeach the officers who must give the title to this land.

Mr. MANN. No; I do not impeach the officers. I impeach the men who made the claim.

Mr. GARNER. They ought to fire those fellows who saved the Cunningham claims.

Mr. MANN. The gentleman knows that is a very unfair statement.

Mr. MONDELL. Mr. Chairman, I had not intended to discuss this item in the bill. I have discussed it at considerable length at other times, and I have managed to get myself very much disliked in certain quarters because of the criticisms I have made of the manner in which this fund was expended; and I should have said nothing on this occasion, because of the fact that the committee has reduced the appropriation considerably, if it had not been for the remarks made by certain gentlemen during the debate. While I doubt the propriety under existing conditions of reducing the item to the amount proposed by the amendment, because it would be difficult to adjust the force to the sudden reduction, still I am thoroughly in sympathy with the gentlemen who favor the reduction.

The gentleman from Illinois suggests that we of the West are afraid of investigations. We are not. We never have been afraid of any fair investigation. But there have been things developed within the last few days with regard to men con-

victed of offenses against the public-land laws which ought to bring the blush of shame to the cheek of any American citizen. [Applause.] Jury packing with Federal money and men sent to the penitentiary for crimes that they never committed. And there is much that might be said that has not been said in regard to that matter.

Now, we do not claim that there have not been frauds upon the public domain. There have been, and, to a certain extent, there always will be. But they have been exaggerated more than any other class of offenses that I ever heard of under Heaven.

The gentleman says the appropriation must be large, else the cases will not be passed upon. I have called the attention of this House time and time again to the fact that the more money we appropriated the more cases were made [applause]—not cleaned up, but manufactured. I called the attention of the House several years ago to hundreds of cases made out of the whole cloth and without rhyme or reason at one time. There was no justification for them. They were thrown into the special-service division, a great class of cases, where nobody ever claimed there was any fraud, and where no investigation was necessary; but they all counted as cases.

Why, we have a law under which a man may relinquish all claim to the coal that may be contained in the land that he files upon, and, in many cases, men take advantage of that law to relinquish all claim to the coal, even where there is no coal in the land. You would imagine that that would settle that sort of a case, but such has not always been the fact.

The man's proof is perfect. He relinquishes all right or claim to the only thing that the Government proposes to retain a hold upon. That ought to close the case and bring him a patent. But no. In many of these cases special agents were sent hundreds of miles to investigate the question as to whether the land really did contain coal. If they did not relinquish any claim to the coal the Government said was in the land, no patent would issue, and if they did relinquish no patent would issue until good Government money was spent to ascertain if the thing relinquished existed.

Cases of another class came to my attention the other day. Under a provision by which land may be withdrawn for power purposes—about the biggest fake under Heaven [laughter]—the law provides that if a man is a homesteader on the land in good faith, the withdrawal does not affect his homestead. And yet every homestead settler who resides upon those lands has to wait for a patent until there can be an investigation, after final proof. What can such an investigation develop? The land is withdrawn. The law says the withdrawal shall not affect him. His proof is regular. It is simply an opportunity to spend some public money.

Now, I am glad to be able to say that there has been less of this sort of thing in the recent past than there was some years ago; that the present Commissioner of the General Land Office is endeavoring, honestly and faithfully, to use this organization in a helpful and a useful way, rather than in a way that retards the issuance of patents and makes difficult the acquisition of title to the lands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. And because the commissioner is making that earnest and honest effort, I shall not vote to reduce the amount below the amount carried in the bill, although I am in hearty sympathy with all those who have proposed a further reduction. This bill reduces the present appropriation \$150,000. That is perhaps enough for one year.

Mr. SHERLEY. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield?

Mr. SHERLEY. I thought the gentleman had completed his remarks.

Mr. MONDELL. No. Mr. Chairman, we need a larger sum for legitimate purposes under this item than we did years ago, but we do not need the amount we have been appropriating for the past four or five years. Conditions have arisen requiring further investigation and more detailed investigation than was required at one time.

And yet I am frank to say that if everything were done that ought to be done to protect the public domain this appropriation could be reduced, and ought to be reduced, each year for several years as much as it has been reduced this year, to one-half what it is in this bill.

I hope I shall see the time when this service shall be reduced to about half the present appropriation. Then there will cease

to be the temptation to make cases. There will cease to be the temptation to hold up patents simply because the holding up of patents gives the opportunity to send special agents to the field to make examinations that are in many cases absolutely purposeless and that would not serve any useful purpose, no matter what the conditions were found to be.

This last year they have cleaned up a few more cases than they have made, so there is hope for the future, and I trust that the coming year will show a still further decrease in the number of cases pending and a very considerable reduction in the number of cases made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, we have made many mistakes in regard to our public lands, but we have never made any in the direction of too much zeal in protecting them from land thieves, and I for one am not willing to lend my vote to aid such people. Gentlemen may talk all they please about land having been covered in and land not open for entry and about there being no need for the expenditure of this fund, but I say to you that in my judgment no man can read the testimony that came before our committee or make himself familiar with the history of the Land Office for the last few years without realizing that we need to be constantly on guard against the land thieves who are seeking every opportunity to steal what the law does not entitle them to, and the statements that are made here that this money has been wasted are statements that are not borne out by the facts.

It has been true that some abuses have grown up in the past. Secretary Garfield testified some years ago before our committee that one of the things he did in reorganizing the service was to get rid of a lot of detectives who he did not think would know anything about any real question at issue, and to substitute for them men who were trained in the work that they were to perform, and there is not now any such abuse in the Land Office as would warrant this committee in striking down this appropriation.

The testimony shows some very interesting things. It shows that for 1910-11 the appropriation was \$750,000, the expenditure \$714,675.60. The trespass settlements were \$100,099.70. That is not a question of entry, but a question of trespass on Federal lands.

Mr. MONDELL. Will the gentleman yield?

Mr. SHERLEY. No; not now. I want to put this statement into the Record.

Mr. MONDELL. The gentleman knows that those items—

The CHAIRMAN. The gentleman from Kentucky declines to yield.

Mr. SHERLEY. The recoveries through criminal and civil suits were \$129,093.98. The area restored to the public domain through cancellation, as the result of special agents' reports, was 703,680 acres; the area restored through abatement of unlawful inclosures was 1,475,381 acres. The area restored through suits to cancel patents, through proceedings brought in the courts, was 21,340.25 acres.

Now, I want to read to the committee the difference between the management of the Land Office now and at a time when the public domain was being plundered with impunity:

Act of June 4, 1897 (forest lieu selections).

OLD SYSTEM.

Under the old method of procedure only a small per cent of this class of cases were examined by special agents, such cases as contained some evidence or suspicion of fraud.

PRESENT SYSTEM.

At present about 75 per cent are examined by special agents, because of the fraudulent character of many of this class of cases and because of insufficient data in the Geological Survey in some cases as to the coal, oil, or power-site possibilities of the land.

Mr. MONDELL. Does not the gentleman know that Congress repealed the lieu-land law a number of years ago, and that there are practically no more lieu-land selections, except in very rare cases?

Mr. SHERLEY. I know that there are fraudulent cases under that act which are now under investigation, and others which resulted in recovery of land.

Mr. MANN. And there are many State lieu-land cases yet.

Mr. SHERLEY. I know that.

Mr. MONDELL. Where are they?

Mr. SHERLEY. I can not tell the gentleman offhand, but I know, and the gentleman knows, that there are recoveries being made every day as the result of those investigations.

Mr. MONDELL. The gentleman knows that there are very few lieu-land locations now anywhere.

Mr. SHERLEY. Let me continue, please. The gentleman has made his speech.

*Scrip, preemption, and town-site cases.***OLD SYSTEM.**

Under the old method only a very few cases belonging to these classes were examined by special agents.

PRESENT SYSTEM.

At present many of these cases are examined in the field as to fraud and coal, oil, and power-site possibilities. It would be difficult to determine the exact per cent of such cases, but it will probably reach 15 or 20 per cent.

Timber and stone entries. Under the old system no appraisal was made. And let me in passing say this: It developed during some testimony that was taken at the time of the conservation commission, of which I happened to be a member, that the department for many years construed the land law so as to make what was stated in the law as the minimum price at which public land could be sold the maximum price; and for years, without regard to the fact that the land was worth many times the minimum price stated in the act, the department so construed it as to make that the maximum price that should be paid in any instance.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

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

Mr. SHERLEY. Yes.

Mr. LAFFERTY. Is the gentleman aware that section 4 of the so-called timber and stone act provided that in all cases where citizens had trespassed upon Government land they could, by coming into court and paying \$2.50 an acre, settle up all their trespasses?

Mr. SHERLEY. What of it?

Mr. LAFFERTY. The point is that Congress never intended that more than \$2.50 an acre should be charged for any land—

Mr. SHERLEY. O Mr. Chairman, I can not yield further.

Mr. LAFFERTY. The gentleman will not allow me to ask him three or four more questions?

Mr. SHERLEY. Oh, the gentleman is going to do what every other Member does, and that is to occupy his own time as he wishes, which no other Member deserving courtesy will try to prevent.

Mr. LAFFERTY. I dare say that my prediction will come true, and that the gentleman from Kentucky will not dare allow me to ask him three or four questions.

Mr. SHERLEY. The gentleman's prediction will come more than true; the gentleman from Kentucky will not yield to anyone so lacking in the courtesy of debate as the gentleman from Oregon has shown himself to be.

Mr. LAFFERTY. I knew that the gentleman would not.

Mr. SHERLEY. Now, Mr. Chairman, returning to my remarks under the timber and stone act, I will continue:

*Timber and stone entries.***OLD SYSTEM.**

No appraisal made.

PRESENT SYSTEM.

Under instructions of November 30, 1908, the lands embraced in all these applications must be cruised to determine the amount and value of the timber thereon, or examined to determine the amount and value of stone thereon, as the case may be.

Inspection of local land offices.

Formerly made by special inspectors of the department.

Under present practice periodic inspections are made by members of the field force.

Isolated tracts.

Investigated only where special reasons made same desirable.

Under departmental instructions of January 19, 1912, all applications for sale must be investigated to determine the value of the land, so that the Government may receive adequate consideration therefor, and for the further purpose of preventing agreements to refrain from competitive bidding.

The work of investigation made necessary by the present policy of the department to carefully investigate projects under the so-called Carey Act and various acts amendatory thereof, to the end that the settler who relies upon the approval of the Government may be as fully protected as possible, as well as for the purpose of minimizing the segregation of Government lands for speculative purposes, has been materially increased, not only because of the more careful and painstaking investigation of the various projects but because of the large increase in the number of segregation lists and lists for patent predicated on such segregation lists.

*Various phases of the Carey Act (act of Mar. 15, 1910, withdrawals).***OLD SYSTEM.**

No examinations were made.

PRESENT SYSTEM.

Examinations are now made of all lists where it appears that such examinations are necessary or desirable. At the present time eight lists are being carefully investigated as to all phases of the cases.

Carey Act segregations.

Examination as to desert character of the land only by ordinary special agent or departmental inspector.

Complete and careful engineer's report, comprising—

1. Desert or non-desert character of the land.
2. Sufficiency of the water supply, including full abstract of prior appropriations, stream measurements, if any, precipitation records and run-off, area of watershed, and all other pertinent features.
3. Feasibility of the system, including full and careful description of the proposed works, specifications of dams, canals, laterals, etc., suggestions and recommendations, etc.
4. Financial responsibility of the proposing contractors with the States. This examination is as full and careful as may be, to the end that speculative and "wildcat" segregations be reduced to a minimum.
5. Any other information touching upon the project or its bona fides.

Carey Act lists for patent upon alleged reclamation of the land.

No investigation was made, the certificate of the State engineer that the land was reclaimed being deemed sufficient.

1. Where the segregation list upon which the list for patent is predicated has not been investigated under the present system the engineer is expected to investigate and report upon the same, as in Carey Act segregations above shown, as to sufficiency of water supply and feasibility of the system, in addition to which he reports fully as to whether or not the irrigation works have been completed in a good and workmanlike manner and according to specifications; whether the ditches and laterals have been completed so that water can be turned upon the land at any time required; what portion of each smallest legal subdivision is irrigable under the system and what portion is above ditches; and also as to whether any portion of the nonirrigable acreage is susceptible of irrigation from any other known sources. This report is required to be very full and complete, and upon it is based the patenting of the lands.

Railroad land grants.

Investigations were only made when the office had reason to believe that the lands were mineral in character.

Investigations are now made as to the mineral or nonmineral character of all selected lands before patent is issued.

Individual lien selections.

No investigations were formerly made of individual lien selections, nonmineral affidavits by the selectors being considered as sufficient.

Investigations are now made of all individual lien selections, whether under the act of 1898 or 1899, and upon the reports received the lands are either cleared for patent or appropriate action taken.

Right-of-way applications under act of March 3, 1891.

Few, if any, investigations were made except where actual fraud was charged.

Because of the increasing scarcity of water in the Western States many investigations are ordered either by this office or the department touching the available water supply and the feasibility of projects right of way for which application has been made.

Forfeited right-of-way applications under the acts of March 3, 1891, and February 15, 1901.

No investigations were made.

During the past year a large number of approved rights of way of five years' (or over) standing have been investigated, to the end that if the projected works had not been built suit might be recommended to declare the easement forfeited, and thus clear the records. Upon such reports a large number of suits have been commenced and many easements either judicially declared forfeited or relinquished. During the coming year the number of such investigations which should be made will double, if not treble, that of last year.

Railroad rights of way under the act of March 3, 1875 (forfeited under various forfeiture acts).

No examinations made.

It is the intention, if the force of special agents will admit of the work, to investigate this year all approved right-of-way applications over 5 years old and to clear the record of such as have not been constructed.

Power sites, act of February 15, 1901.

No examination.

Owing to the increasing value of water power in the West it is necessary to make careful investigation of many applications asked for under the act of March 3, 1891, but which it is suspected are to be used for power purposes and not irrigation purposes, and should therefore be granted by permit under the act of 1901. It is, further, the duty of all special agents to report to this office any matters relative to power development where it is found that the system is being constructed or construction is contemplated without first obtaining permission from the Government. A number of such reports have been received and have resulted in cessation of the work until application was filed and favorably considered by the department.

Lands withdrawn from power sites.

No examination.

Now all entries upon lands withdrawn for power sites are carefully examined in order that the value of the lands for power purposes, as well as the bona fides of the applicant, may be determined. The area now withdrawn for power sites is 1,515,423 acres.

Until about the middle of last year the work of investigation under the "small-holders" act of April 28, 1904, has been merely superficial. This work has increased very largely during the latter part of the past year, with every evidence of a large increase during the coming year. The special agent is expected to visit and carefully examine both the base and selected lands, which may be hundreds of miles apart, and, after careful investigation, to report whether or not they are of the same quality. One investigation of this character involving a 160-acre tract will often take more time than a straight investigation of a couple thousands of acres which is in a compact body.

Relative to the Carey Act, information received leads to the belief that the State of Arizona will, at the first opportunity, adopt the act and that at least a dozen projects in that State are only awaiting legislative action to file their lists. New Mexico is also in line for aggressive Carey Act work, and from the older Carey Act States lists for patent are now coming in rapidly, which, in view of the old system of meager investigation, means a double investigation before the lists for patent can be approved. In this connection it may be noted that, inasmuch as Carey Act projects are of a quasi public nature, prompt action must be given them, even at the expense of some other public interests.

*State selections.**OLD PRACTICE.*

Practically no examination.

PRESENT PRACTICE.

Examination of all lands selected by States. Approximately 1,500,000 acres awaiting examination.

Indian allotments.

Practically no examination.

By order of April 4, 1911, all Indian allotments made on public lands are required to be examined and report made as to settlement of Indian and character and value of his improvements; also as to character of land with respect to timber, mineral, coal, phosphate, oil, power-site possibilities, etc. There are about 4,500 of these allotments pending, involving 720,000 acres.

Water companies.

No examination.

Under instructions contained in paragraph 18 of circular dated September 30, 1910 (39 L. D., 253), an investigation and technical report is required to be made of water companies in cases of desert entries where, on annual proof, expenditures for stock or interest in any such company, through which water is to be secured for irrigating the land, is alleged. To date approximately 125 companies have been investigated and reported upon. The reports so far obtained are of material value also in adjudication of desert-land entries upon which final proofs have been made. The office examiners are brought more closely in touch with field conditions, and thus can act more intelligently on the final proofs submitted.

The truth of the business is that there has been in this country an awakening of the public conscience, an awakening that demands efficiency in the public service, particularly in regard to the lands that belong as a heritage to all the people and are not simply the property of the States in which they lie. I am tired of the attitude of men who represent States in which the public lands are situated lecturing Congress because it does not see fit to turn the lands over to them to be used by them as they see fit; and judging by the past history of America in regard to public lands, to be despoiled by men who have no title to them.

If we make any mistake, we make it in lack of vigilance in regard to the public-land service and not in too many safe-

guards over it. I, for one, would hate to see this appropriation cut a dollar. The committee went to the extreme limit, I think, of conservatism in reducing the estimate asked by the department, \$650,000, to \$500,000. The testimony before us by those in a position to know and those who talk for the benefit of the Government and not for the benefit of any special or private interest was that this sum was necessary. The gentleman from Wyoming passed an encomium upon the Land Commissioner, Mr. Dennett. If that means anything, it ought to go to the extent of making the commissioner's judgment as to the amount of money that can be honestly spent considered by this Congress and not disregarded.

I agree with all that has been said of these acts that have recently come to public light. I have supreme contempt for the man who under the guise of any law will tamper with justice or with a juryman. But the fact that there have been men in the Government service that have prostituted that service is no reason why we should let down the bars and take away the safeguards, so as to leave looters outside of the service an opportunity to continue their work. [Applause.]

Mr. CANNON. Mr. Chairman—

Mr. FITZGERALD. Let me ask the gentleman from Illinois how much time he wishes.

Mr. CANNON. About five minutes.

Mr. FITZGERALD. If the gentleman will pardon me, Mr. Chairman, I move that all debate on the pending paragraph and amendments be closed in 10 minutes.

Mr. BURKE of South Dakota. Reserving the right to object, I want to offer an amendment, and I will not exceed one minute in talking about it.

Mr. CANNON. I have no objection, if I can be recognized afterwards, to the gentleman from South Dakota offering his amendment now.

Mr. FITZGERALD. I will make it 12 minutes.

Mr. BURKE of South Dakota. Mr. Chairman, I suggest that the request be in this form: That there be 12 minutes' debate on the paragraph and all amendments thereto, and that debate close on the pending amendment in 10 minutes, and then that I may offer my amendment and have 2 minutes.

Mr. FITZGERALD. I have no objection to that.

The CHAIRMAN. Is there objection to the request?

There was no objection.

Mr. CANNON. Mr. Chairman, the appropriation for the service for the current year is \$650,000. The estimates for this year are \$650,000. I did intend to offer an amendment increasing this appropriation recommended in the bill to the amount of the estimate, making it \$650,000 instead of \$500,000.

I listened to the examination when this bill was being prepared. I have no business in the Public Land Office except to run an errand once in a while for somebody that has gone west from Illinois or some other State. I know but little of the personnel, but I was very greatly interested and very greatly impressed with the presentation that was made touching this appropriation by the Commissioner, Mr. Dennett, of the General Land Office. I am very glad indeed to hear the tribute given to him for efficiency and integrity by the gentleman from Wyoming [Mr. MONDELL].

Now let me read from the hearings:

Mr. DENNETT. I had hoped to get down to \$500,000, but I can not recommend to you gentlemen to cut the appropriation to \$500,000 this year. I do not believe it will get down to \$250,000 for a good many years. The way in which that work accumulated and the big frauds which existed were because that force was not big enough to watch the work. The Commissioner of the Land Office, as you know, is several thousand miles from most of this work. He must have a sufficient force of representatives on the ground who can see exactly what is being done. The registers and receivers do not go out of their offices. The proofs are submitted to them. They have little more local knowledge, of course, than the Commissioner of the Land Office, but they have not this specific knowledge, and the agents have to supply that to the office.

This appropriation also investigates the entries of lands that are alleged to have been made and are proven to have been made in California that were mineral lands, and the entries made by railway companies. The statement is made that very important investigations are being made in Colorado touching the fraudulent entry of coal lands. I do not know anything about it, but all agree that the Commissioner of the General Land Office is a painstaking, honorable, honest, and efficient man, and he not only wants \$500,000, but he asks for \$650,000. I shall vote against the amendment reducing it below \$500,000.

Mr. PAGE. Mr. Chairman, when the sundry civil appropriation bill was reported to the House in 1910 and was under consideration and this item was reached, an appropriation of \$750,000 was carried for the purpose of protecting the public lands. I offered an amendment reducing the amount to \$500,000. In the Committee of the Whole the amendment prevailed, but when the bill was reported to the House and a separate vote was taken upon that amendment upon a roll call the original provision of the bill was reinstated and it carried the \$750,000.

Serving on another committee of this House just prior to that time I had occasion to investigate some expenditures in the Land Office in its various departments and I found what I supposed at that time, and I believe yet to be, some abuses as to the expenditure of this particular appropriation. For that reason I undertook then to reduce the amount carried in the bill. I believe from the investigation that I made at that time, from the testimony that from time to time has been submitted to the Committee on Appropriations, that there is necessity for the appropriation in the amount that is carried in this bill, namely, \$500,000 for the protection of the public lands in the Western States. I know that these gentlemen who represent the territory in which this land is situated are extremely anxious to have the land taken up. Sometimes their anxiety has appeared to some of us to be so great that they were not very particular as to how it was taken up, and it is a matter of importance not only to them—that is, the proper administration of the land laws—but to the entire citizenship of the country, because they are our land as well as their lands, and they are a source of considerable revenue to the Government. As was stated by the gentleman from Illinois [Mr. MANN], but for this appropriation carried for the protection of these public lands the Government would have lost immeasurably—not this sum, but this sum a hundred times over in the loss of its public domain by fraudulent entries of public lands.

So far as I am aware I was the first man in this House who made an effort to reduce what I thought was an extravagant amount to be expended for this purpose. I want to say to the committee that I believe to-day that this amount is absolutely necessary to a proper enforcement of the laws against trespass on the public lands, and I hope that the Committee of the Whole will sustain the Committee on Appropriations in the recommendation that it has made with respect to this item.

The CHAIRMAN. The parliamentary situation is this: The gentleman from Oregon [Mr. LAFFERTY] offered an amendment to reduce the appropriation from \$500,000 to \$100,000. The gentleman from Oklahoma [Mr. FERRIS] offers an amendment to that, to reduce the sum to \$250,000. The gentleman from Oregon has indicated his willingness to accept the amendment of the gentleman from Oklahoma. Is there objection to the withdrawal of the amendment of the gentleman from Oregon? [After a pause.] The Chair hears none, and the amendment is withdrawn.

The question now recurs on the adoption of the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the amendment was rejected.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 96, line 12, after the figures "\$500,000," insert:

"Provided, That no part of this amount shall be expended in the investigation of any homestead entry where final proof has been submitted and patent has been issued for a period of two years, unless charges of fraud have been filed against the entry prior to the expiration of that period."

Mr. SHERLEY. Mr. Chairman, on that I reserve the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I do not think the item is subject to a point of order, but I want to say just a word. I do not think any gentleman who is in favor of large appropriations for this special-agent service will contend that any great showing has been made, so far as fraud is concerned, in connection with the public domain, where it has been acquired under the homestead laws.

I am in favor of the most liberal appropriations for this service, so far as the mineral lands, timberlands, and so forth, are concerned, but I do say, so far as the homesteader is concerned, that there ought to be some time after which he will not be annoyed or harassed by an inspector of the General Land Office, and this limitation simply provides that in the case of a homestead entryman who has submitted final proof and has had his patent for a period of two years, in the absence of a charge of fraud against that entry it shall not be investigated by a special agent. In other words, no part of this appropriation may be used in the investigation of a case of that character, and gentlemen from the West know that it has been the practice to investigate cases three, four, and five years after patent has issued, when there were cases where the patent was being withheld under the excuse that they did not have special agents enough to investigate the entry, and therefore the entryman had to wait in an uncertainty of knowing whether he was going to get his patent while the agent was investigating a case that had been patented for three or four or five years. This simply limits the period to two years after patent has issued, in the absence of a charge of fraud, and it is a proper

and reasonable limitation, and I hope the amendment will prevail.

The CHAIRMAN. Is the point of order insisted upon?

Mr. FITZGERALD. It is.

The CHAIRMAN. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. I do not believe we should attempt to interfere in this way with the administration of the General Land Office, which is endeavoring to protect the public domain from being despoiled.

Mr. RUCKER of Colorado. The gentleman wants to humiliate us in the West just as much as possible.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 15, noes 38.

So the amendment was rejected.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, to furnish local land offices with the same, and for reproducing by photolithography original plats of surveys prepared in the offices of surveyors general, \$5,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment as a new paragraph following the paragraph just read.

The Clerk read as follows:

Insert as a new paragraph on page 97, after line 7, the following:

"For the purpose of enabling the Secretary of the Interior to issue two editions per annum of maps showing the lands designated under the enlarged homestead laws during the fiscal year ending June 30, 1912, \$1,300."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment. It is not authorized by law.

Mr. MONDELL. Mr. Chairman, I think the amendment is not subject to the point of order. It provides for the issuance of a map. A similar provision has been heretofore carried in the sundry civil bill, and it is almost identical with the paragraph that it follows.

The CHAIRMAN. Because an item has been in the bill heretofore for a number of years does not mean that it is permanent, and the Chair therefore holds it is new legislation and is subject to a point of order.

Mr. MANN. It is not legislation.

Mr. FITZGERALD. There is no authority for the edition of two of these maps.

The CHAIRMAN. The proposed appropriation is without authorization.

Mr. MANN. I think there is authority, and that is the question.

Mr. MONDELL. The Land Office is publishing maps all the time. It published two editions of these very maps last year, and it published one edition of the maps this year, but it so happens, for some reason or other, the item was not in the estimates. The item has been carried in this bill, and the last map was published not over three or four months ago.

The CHAIRMAN. The Chair will say the original appropriation, although carried in an appropriation heretofore a number of times, is still subject to the point of order, because there has never been any authorization for it.

Mr. MONDELL. I will say there is an authorization for the issuance of maps; they are being issued all the time.

Mr. FITZGERALD. The gentleman can not produce the law to sustain his position.

Mr. MONDELL. The chairman of the committee knows very well I can not put my hand on the law at this moment. This is an official publication of the Land Office, showing certain lands, and that office is constantly issuing publications showing locations of public lands. The chairman of the Committee on Appropriations certainly—

The CHAIRMAN. The Chair will state to the gentleman from Wyoming that the Chair has ruled.

Mr. FITZGERALD. I suggest to the gentleman from Wyoming, in relation to this matter being omitted by the department, that if he had called attention in time in the past week it might have been possible to have ascertained the facts. He proposes here, without any knowledge of the law, something, and I have to insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, \$2,000: *Provided*, That the notice required by section 1 of the act of June 11, 1906, shall not hereafter be published.

Mr. MANN. Mr. Chairman, I reserve the point of order upon the paragraph.

Mr. HAWLEY. Mr. Chairman, I also reserve the point of order.

Mr. MANN. Mr. Chairman, the proviso proposes to repeal the notice required in the law which permits land chiefly valuable for agricultural purposes located in forest reserves to be settled upon. Now, anyone who takes that law and reads it will find that the notice has to be published. He, I think, would have the right to assume that that is the law. Here comes in the sundry civil bill and in another place repeals the law.

The CHAIRMAN. Will the gentleman from Illinois please repeat that part in regard to the law?

Mr. MANN. Mr. Chairman, it is patent it is subject to the point of order. The proviso provides for the repeal of the law as to the publication of notices required by the act of June 11, 1906.

Mr. BURKE of South Dakota. I would like to ask the gentleman if it does not reduce expenses?

Mr. MANN. It would not make any difference if it did reduce expenses. I am making the application on the merits of the proposition.

Mr. FITZGERALD. The Commissioner of the General Land Office made this statement: This law was enacted in 1906, at a time when very large withdrawals had taken place, and they thought it advisable that the restoration to the public domain should be advertised. That existing condition has practically passed away, and there is no benefit whatever derived from the advertising of the restoration; that it was intended to give some person who might have had a claim notice, and it simply resulted in an unnecessary expenditure of \$12,000 or \$15,000 a year in advertising, which, in the opinion of the Commissioner of the General Land Office, served no useful purpose.

Mr. MANN. Now, I will say to the gentleman I have been looking up this matter, not in connection with proposed legislation being before the House, but particularly on the agricultural appropriation bill. Under the existing law, where they propose to say that certain land in a forest reserve is chiefly valuable for agricultural purposes and thereby throw it open for homestead entry, a notice is required to be published, so that anyone has possession of that knowledge if they watch the papers in the county in which the land is located, but without that notice they do not have an opportunity to know whether this land has been declared subject to homestead entry, although that is not the point I particularly insisted upon. But there is a good deal of this land being taken up in forest reserves. The person has knowledge of the law of June, 1906. He sees in that law a provision that notice shall be published and relies upon it. Along comes the sundry civil bill, which amends the law, the man does not have any notice, no one reads the sundry civil bill, yet that bill says there shall be no notice, and the man who relies upon the notice finds out that somebody else gets his property.

Mr. FITZGERALD. Suppose it is amended in any other bill?

Mr. MANN. If it was amended in some other bill, it would be an amendment to that section of the law and be published by the department, probably—

Mr. FITZGERALD. The department publishes this as well as any other. This was inserted in accordance with the view of the Commissioner of the General Land Office that it served no useful purpose.

Mr. MANN. Now, the Senate inserted in the agricultural appropriation bill an item which would probably throw open the forest reservations to agricultural settlement and homestead entry, and when that was disagreed to in conference the Senate rejected the conference report because of that fact and the bill is now back in conference. If that item should go into the bill and become a law, any land in a forest reserve which can be said to be suitable for agricultural purposes, although it might now be timberland with great value of forest upon it, would be thrown open to homestead entry. Certainly if that would be the case there ought to be a publication and notice in regard to it. I do not know what disposition is going to be made of the bill at present. I think, therefore, I shall insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1913: *Provided*, That the expenses pertaining to the opening of each of such reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, \$20,000.

Mr. LAFFERTY. Mr. Chairman, I move to strike out the last word. I do this for the purpose of saying a word in

reference to the timber and stone act that was discussed by the able gentleman from Kentucky [Mr. SHERLEY] a few minutes ago.

The timber and stone act was passed June 3, 1878, and in section 1 it provided that timber lands that were unfit for agriculture, unappropriated, and unreserved might thereafter be sold to the citizens of the United States in tracts not exceeding 160 acres to any one citizen, for the minimum price of \$2.50 per acre. The bill went on to provide that any person now being prosecuted in any court of the United States for trespass upon the public lands might absolve himself from further prosecution by coming into court and paying \$2.50 an acre and buy all lands by him cut over.

That is one of the reasons why the Secretary of the Interior construed that law to mean that Congress contemplated that the lands should be sold to citizens at \$2.50 an acre.

Other reasons were these: For a hundred years lands had been sold by cash entry. They had been sold under various preemption laws for the minimum price of \$1.25 an acre, and all the land laws had referred to acts of sale at the minimum price or double the minimum price of \$2.50.

Now, here was a proposition to sell these lands at the minimum price of \$2.50 an acre. Did that mean that they should be sold at \$2.50, or that they should not be sold for any less than that?

There were other provisions like this, that no one citizen should be permitted to buy more than 160 acres, and that he should go in and prove by the testimony of two witnesses that he was not making the purchase for the benefit of any other person or for the purpose of speculation.

Now, by the act of November 15, 1903, as the result, I suppose, of this famous Conservation Commission of which the gentleman from Kentucky [Mr. SHERLEY] was a member, the Secretary of the Interior, Mr. Garfield, issued regulations providing that timberlands under the act of June 3, 1878, should not be sold thereafter to citizens of the United States except at such value as they might be appraised at by these special agents. As a result no timberlands have been sold since, because the special agents appraised them so high that nobody would buy them.

Prior to the issuing of these regulations the Secretary of the Interior had repeatedly asked Congress to repeal the timber-and-stone act of 1878. Congress has refused to do so. That act still stands upon the statute books.

But it is a dead letter there, because the Interior Department, by these recent regulations, has practically repealed it. It may be that Congress failed to do its duty and failed to provide suitable rules and regulations, as it is in duty bound to do under the Constitution, providing for the disposition of the public domain. But when, in report after report, the Secretaries of the Interior asked Congress to make this change in the law of 1878, and Congress, knowing how the courts of the land had been construing it for 30 years, declined to make that change, I say it did not lie within the legitimate jurisdiction of the Interior Department to make that change.

If Congress intended the law to be that a citizen could buy only 160 acres of timberland, and then must pay the full market value, why place that restriction upon him? He could go to the Weyerhaeuser Timber Co. or any other timber company and buy all the land he wanted at the full market value. There was clearly a bounty intended to the citizens of this country who will come from Kentucky or any other State and seek to found a home on the public domain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] saw fit a moment ago to read a lecture to the western Members of Congress in emphatic language because they dared to stand for the rights of their constituents. The gentleman is ordinarily courteous and generally parliamentary, but he was certainly not courteous and scarcely parliamentary when he impugned the motives of western Representatives in gross in the views they have expressed and the efforts they have made to amend this bill. His suggestion was that they took the position they did because they wanted their constituents to have an opportunity to loot the public domain, to rob the people of their landed heritage.

We of the West have heard that sort of thing as long as we care to hear it, and—

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I will be glad to.

Mr. SHERLEY. The gentleman's statement of what I said is in no sense accurate.

Mr. MONDELL. The gentleman thinks it is.

Mr. SHERLEY. I did not imply, and I did not intend to imply, with reference to the gentleman, a desire that he should have his constituents loot the Treasury—

Mr. MONDELL. No; the gentleman did not refer to me by name—

Mr. SHERLEY (continuing). And I regret that the gentleman feels that my remarks, so construed by him, should apply to himself.

Mr. MONDELL. The gentleman's remarks did not worry me. I am perfectly willing to answer to my constituents for my position in these matters, and so far as I am concerned, had I been the only western Member discussing the matter, I should have said nothing.

There is a very great deal of difference between a desire to allow our constituents to loot the public domain and a desire that our constituents shall have their rights under the law. The difference is as wide as the poles are apart. All we stand for and what we insist upon is that there shall not be an administration of the public-land laws that denies to entrymen the rights that Congress has given them; that shall not prevent them from securing the opportunities that Congress expected they should secure, and that it provided for them.

We demand an administration that shall neither deny the right, in the first place, nor delay its fulfillment finally, and we know, for we live out there and we have to do with these cases, that many men have been denied their right to initiate; and having initiated, have had a long and weary road to travel before their rights were consummated. Against that sort of administration we shall continue to protest. It is very well for the department to make up lists of what has been accomplished. We favor a proper public-land service. We know how necessary and essential it is, and within proper limits we are favorable to the proper protection of the public domain. We would be the last people in the world to deny proper appropriations for the public-land service. We know that Congress, in giving larger sums in some cases than were necessary for the field service, has given opportunity for oppression and delay or denial of rights. No good purpose is served by appropriations larger than necessary for the service properly conducted.

Mr. RUCKER of Colorado rose.

Mr. FITZGERALD. We can not debate this thing all night, Mr. Chairman. I ask the Clerk to read.

Mr. RUCKER of Colorado. I move to strike out the last word.

Mr. FITZGERALD. The gentleman is not involved in that controversy.

Mr. RUCKER of Colorado. I think I am—very much.

Mr. FITZGERALD. Mr. Chairman, I insist on the regular order. Debate on the amendment is closed, and if every gentleman now wishes to redebate it we shall never finish this.

Mr. RUCKER of Colorado. I move to strike out the last word.

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The regular order is the recognition of the gentleman from Colorado.

Mr. RUCKER of Colorado. Mr. Chairman, I am not so sensitive as my friend from Wyoming [Mr. MONDELL] is concerning the remarks of my distinguished colleague [Mr. SHERLEY], who comes from the State where both of us first saw the light of day. But indeed I am surprised that my friend from Wyoming [Mr. MONDELL], who was just a while ago so heartily in favor of the proposition to reduce the appropriation from \$500,000 to \$250,000, should have found it necessary to vote for the \$500,000. I agree with everything he has said concerning the situation of the western pioneers. I remember, just after the war, when Federal inspectors went through the South. They were in Kentucky as well as other States, and I could have heard the forebears of my friend from Kentucky [Mr. SHERLEY] declaim as eloquently against them as he now takes up for these people who are upon our backs.

I want to give an illustration in my own district. Upon three different occasions these Federal inspectors, whom the gentleman from Kentucky thinks are absolutely necessary in order to pass the title from the Government to the individual, broke open the doors and searched the cabin, broke open the trunks and searched the correspondence, to determine whether or not a man was a bona fide resident. That incident reminded me of long ago, and the gentleman from Kentucky [Mr. SHERLEY] can not wonder that I rebel against having a Federal inspector upon the back of one of my constituents. I agree with him fully and fairly that there have been frauds committed, but that was years ago, when the railroad companies and great corporations took up this vast domain out there, of which we have been robbed, but that robbery the Congress of the United

States was responsible for. All we ask now is to be allowed to contest our rights before a tribunal that is as old as the Government itself, to determine the right between the contestor and the contestee as to the piece of land which the homesteader is trying to acquire for a home.

Mr. FITZGERALD. Mr. Chairman, I ask the Clerk to read. The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$450,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890; and, second, to surveying under such other acts as provide for land grants to the several States and Territories, except railroad land grants and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation not exceeding \$200 per month as he may prescribe, except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys whose compensation shall not exceed \$250 per month each, and except in the District of Alaska, where a compensation not exceeding \$10 per day may be allowed such surveyors and such per diem allowance, in lieu of subsistence, not exceeding \$3, as he may prescribe, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, examination of unaccepted contract surveys heretofore made and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, the sum hereby appropriated to be immediately available: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable.

Mr. MONDELL. Mr. Chairman, I offer an amendment at the end of line 5, on page 100.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the typographical errors at the end of lines 10 and 11, on page 99, may be corrected by the Clerk.

The CHAIRMAN. If there be no objection, these typographical errors will be corrected.

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Page 100, after line 5, insert the following:
"For resurveys and retracements, in Wyoming, \$50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, the same kind of an amendment has always been carried in this bill from time immemorial. The gentleman can make a point of order against anything.

The CHAIRMAN. If it has not been authorized by law, it is still subject to a point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

After "\$450,000," in line 11, page 98, insert the words:
"Of which sum not to exceed \$50,000 may be used for resurveys and retracements in Wyoming."

Mr. FITZGERALD. I make a point of order on the amendment that it is a limitation upon the discretion of the Commissioner of the General Land Office in expending this money. Under the law the commissioner has the authority to expend this money for surveys and resurveys in public-land States within his discretion. This attempts to control the discretion of the Commissioner of the General Land Office.

The CHAIRMAN. The Clerk will read the paragraph as it would read if amended.

The Clerk read as follows:

Page 98, after the figures "\$450,000," insert as follows: "Of which sum not exceeding \$50,000 may be used for resurveys and retracements in Wyoming."

The CHAIRMAN. The Chair is of opinion that that is new legislation, and therefore sustains the point of order.

Mr. MONDELL. Mr. Chairman, I will reoffer the amendment that I offered at the end of the paragraph.

Mr. FITZGERALD. I submit to the Chair that the Chair has already ruled that amendment out of order, and it is not in order to offer it again.

Mr. MONDELL. I would like to have the attention of the Chair on that question.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Page 100, after line 5, insert the following: "For resurveys and retracements in Wyoming, \$50,000."

Mr. FITZGERALD. I make the point of order again so that there will be no misunderstanding about it.

Mr. MONDELL. Mr. Chairman, the item is not subject to a point of order and the gentleman from New York knows that it is not.

Mr. FITZGERALD. I will produce the decision to show the gentleman that he is mistaken.

Mr. MONDELL. Mr. Chairman, this is the part of the bill that provides for the survey of public lands. Nobody denies that the Commissioner of the General Land Office has authority to survey public lands so far as Congress may give him money to survey them with. This is the item in which surveys are provided for. It is not new legislation to add to this appropriation. It is not new legislation to add an appropriation applying to a specific State. It has been done repeatedly. The bill last year carried four items practically identical with this—one for surveys in Alaska, one for resurveys—

The CHAIRMAN. Were there any points of order made to those items?

Mr. MONDELL. I do not know, but such amendments have been placed on the bill from time immemorial. I do not think it ever occurred to anybody that they were subject to a point of order. No one denies the general authority conferred by law for the survey of public lands, and certainly it is in order in the surveying paragraph to add to the appropriation for service in certain States.

As I said a moment ago, the last bill carried an item of \$50,000 for Nebraska, \$50,000 for Alaska, \$50,000 for Utah, and \$50,000 for Montana, four different items in the last appropriation bill.

Mr. MANN. Mr. Chairman, the question involved in the point of order is whether where Congress has the power to make an appropriation for surveying the land anywhere in the United States that gives it the power to make an appropriation for surveying the land in a particular place. There is no doubt about the power of making an appropriation for the survey of public lands generally. We require the surveys of public lands in all the public-land States, and requiring that, we have the power to make an appropriation to make the survey. Now, have we not then the power to make appropriations for survey in a particular State or the survey of a particular location or the survey of a particular piece of public domain as long as it is public domain? Of course, we would not have the power under the rule to make an appropriation for the survey of property which is not authorized. But a survey of this land in Wyoming is authorized by law. The law authorizes the land office to survey the land in Wyoming. Now, there being authority to survey the land, is not that authority to make an appropriation for that purpose?

The CHAIRMAN. The Chair is prepared to rule, and in doing so will read a former ruling from volume 4 of Hinds' Precedents, page 577:

On February 24, 1898, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union. The paragraphs relating to the Geological Survey being read, Mr. MARCUS A. SMITH, of Arizona, proposed an amendment to provide that \$5,000 of the appropriation should "be expended in the county of Yuma, Territory of Arizona."

Mr. JOSEPH G. CANNON, of Illinois, having made a point of order, after debate the Chairman ruled:

"The Chair understands that the Secretary of the Interior is given a general discretion as to how and in what localities he shall use the appropriation. This amendment would limit that discretion, and therefore the Chair sustains the point of order."

The Chair, therefore, sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to amend by increasing the sum of \$450,000, line 11, page 98, to \$500,000.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, at the beginning of this session of Congress I introduced a bill, which was sent to the Committee on Appropriations, providing for an appropriation of \$50,000 for resurveys and retracements in Wyoming. I was not given an opportunity to discuss that matter before the committee. Had I had that opportunity it might not have been necessary to take up the time of the committee to-day. I requested that opportunity in person and by letter on several occasions, but the committee was too busy to give me the time to be heard.

This appropriation for public-land surveys is \$200,000 less than it was last year. The committee is very generous in giving western people the benefit of the gentlemen who travel about

over the West finding fault with their entries, but is very parsimonious when it comes to surveying lands so that settlers can go upon them, so that they can tell where to establish their homes.

It is true that the committee will probably say that the department did not ask for more than this sum. It is also true that last year the general appropriation was only \$450,000, but there were four specific appropriations for \$50,000, making \$200,000 in all, and that reduction of \$200,000 by that amount reduces the total appropriation for surveys. With the reduction of \$200,000 the public-land service in surveys is going to be crippled in a way that is bound to retard the settlement and development of the country. In the State I represent resurveys are constantly demanded by the people who are seeking homes on the public lands and who find it difficult to locate the boundaries of the lands they desire to settle upon.

Montana needs more surveys, also Idaho, and the settlers are clamoring for surveys all of the time. We need additional surveys and resurveys in Wyoming, and yet we are not given an opportunity to appear before the committee for a moment to discuss these matters, important to our people. Members of the committee may say, if these additional appropriations are necessary, why did not the department ask for them? In former times, when public lands were surveyed under contract, the surveyors general were charged with the duty of seeing that the survey appropriations were large enough so that the work could go on in their States, but two years ago the method of surveying the public land was changed, with the result that the initiation of the work of survey is largely with the General Land Office.

The General Land Office is not as well acquainted with the demands for surveys in the States as the surveyors general were. There is not the same pressure upon the General Land Office, and as long as their force is employed in the field they have no special incentive for insisting upon large appropriations for surveys. But we who are meeting the demand of the settlers for additional surveys feel that the committee ought at least to have given us an opportunity to be heard and to grant reasonable sums for the work.

I propose to increase this appropriation \$50,000, which still leaves it \$150,000 less than it was last year.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is incorrect in his statements. A large number of Members of the House requested hearings on various matters in which they were interested in this bill. At my direction all of those gentlemen were notified, and the committee gave several days to hearing such Members as were able to avail themselves of the invitation.

The committee has not reduced the appropriation. It has given the sum requested for surveys by the Commissioner of the General Land Office. It is the same amount requested for 1911 and 1912. It is true that there were special items in the bill for the current year for the surveying of public lands. They were special items, put in as a matter of favoritism to aid certain Members of the House, who thought it desirable to have that assistance in order to assist them in their political standing with their constituents.

The Commissioner of the General Land Office was informed by the members of the Committee on Appropriations that it was his duty to render, and the committee would be pleased to have, an estimate for any additional appropriation required for public surveying, in the event that in his opinion a larger sum should have been requested. If sufficient money has not been requested, it is due to the fact that an attempt has been made to mislead the country by keeping the estimates of the public service below the amounts necessary.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. MONDELL. The gentleman is aware of the fact that the four specific appropriations that were on the bill last year—\$50,000—were not estimated for by the department?

Mr. FITZGERALD. I understand that, and the Committee on Appropriations desires to break up the practice of exercising favoritism on behalf of certain Members of the House and to make the appropriation for this service in one sum, so that it can be apportioned to the public service as the needs require, rather than to have money appropriated in order to gratify the whim or the wish or the request of some Member. There has been a ruling by the Comptroller of the Treasury that these specific appropriations made in the bill are available until expended. They do not lapse into the Treasury like a general appropriation. More than that, they can be expended in the employment of persons regardless of the civil-service laws, and it has been very desirable to have the specific appropriations for survey and resurveying in the various States made in this

way. The committee gave all the money that was requested. It notified the Commissioner of the General Land Office that if additional money was required he should submit a supplemental or additional estimate, and it does not propose to be coerced into making appropriations for the surveys that are not requested by those responsible for the conduct of the service.

In no other way can the public business of the Government be properly carried on. If additional money is required, it should be estimated for in accordance with the law. We have been for many years endeavoring to put the financial operations of the Government upon such a plane that it would be possible to tell with some approximate degree of exactness the relation of the expenditures and revenues at the outset of the session of Congress. Numerous instances have been disclosed where estimates have arbitrarily been reduced at the direction of the heads of the departments against the protest of those responsible for the service, in order to keep the estimates down in being submitted to Congress. There is but one thing that the Congress can do, and that is to insist that the estimates be submitted in accordance with the law, and if those responsible for the various parts of the public service do not comply with the law, then to assume that any additional sums to those asked are really unnecessary and are simply desired in order to accommodate gentlemen either in or out of Congress. I hope the amendment will not be adopted.

I move that all debate on the pending paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Without objection, debate on the paragraph and amendment thereto will close in five minutes.

There was no objection.

Mr. PRAY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. There is an amendment already pending. Is this an amendment to that, or is it a separate amendment?

Mr. PRAY. It is a separate amendment and is offered as a new paragraph.

Mr. FITZGERALD. Mr. Chairman, that is not in order at this time as there is an amendment to the paragraph now under consideration.

The CHAIRMAN. The question is on the adoption of the amendment which is now pending, offered by the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry. The gentleman from New York asked that all debate on the paragraph close in five minutes.

The CHAIRMAN. That is true, and it has been agreed to.

Mr. MONDELL. But that does not preclude the offering of an amendment, and the gentleman from Montana is offering an amendment.

The CHAIRMAN. There has been no decision to the effect that the gentleman from Montana is precluded from offering his amendment. The Chair has asked the gentleman if it was an amendment to the amendment or a separate amendment.

Mr. MONDELL. There is still five minutes for discussion on the paragraph.

Mr. PRAY. It is a separate paragraph at the end of the paragraph which has just been read.

The CHAIRMAN. Then the amendment offered by the gentleman from Wyoming will come first. The question is on the adoption of the amendment of the gentleman from Wyoming.

The question was taken and the amendment was rejected.

Mr. PRAY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 100, after the word "practicable," in line 5, insert a new paragraph as follows:

"For continuing the survey of public lands in Hill, Blaine, Choteau, Valley, Dawson, Rosebud, and Custer Counties, in the State of Montana, \$150,000, of which amount the sum of not exceeding \$3,000 may be expended for the necessary office work in the Surveyor General's Office in connection with this survey."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. PRAY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the amendment which I have offered was embodied in a bill which I introduced at the beginning of this session of Congress at the earnest solicitation of hundreds of homesteaders in my State. Later on I appeared before the Committee on Appropriations and submitted letters from the department and made a statement in support of this demand. I believed then and I believe now that I gave a sufficient reason for granting this request. I read at that time before the committee a report on my bill from the Commissioner of the General Land Office, which I desire at this time to submit to this committee, showing the real necessity for an additional appropriation in

the State of Montana to meet the needs of settlers in respect to surveys upon the public domain. The letter is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, January 22, 1912.

Hon. CHARLES N. PRAY,
House of Representatives.

MY DEAR MR. PRAY: I am in receipt of your letter dated January 5, 1912, addressed to the Commissioner of the General Land Office, with which you inclosed a copy of a bill providing for an appropriation of \$150,000 for the survey of the remaining unsurveyed lands in Chouteau, Valley, Dawson, Fergus, and Custer Counties, Mont., and request information as to the exact acreage of the unsurveyed land in the stated counties, and such other available information as is relative to this matter.

In reply, I have the honor to report that the area of the unsurveyed and unappropriated lands embraced in each of the counties named, as shown by the latest compilation, made July 1, 1911, is as follows:

	Acre.
Chouteau County-----	2,032,499
Valley County-----	3,065,787
Dawson County-----	3,354,710
Fergus County-----	1,027,300
Custer County-----	2,339,395
Total-----	11,826,751

As these counties are composed principally of farming and grazing lands, there has been a large demand for the survey of their unsurveyed areas, and therefore, with the proposed appropriation, this department will be able to meet said demands by bringing about the desired surveys as a necessary prerequisite to the substantial development of the country through entries under the homestead and other public-land laws.

The total area of unsurveyed, unreserved, and unappropriated land in the entire State of Montana is shown by said circular to be 16,746,928 acres, and the apportionment to that State from the regular appropriation for the survey and resurvey of the public lands is insufficient to meet the petitions of bona fide settlers, especially in the five counties mentioned, and the bill therefore meets with the approval of this office.

Very respectfully,

CARMI A. THOMPSON,
Acting Secretary.

Under the present system of making surveys it costs about 5 cents an acre. In other words, we now need \$600,000 to complete the surveys in the counties named in this proposed amendment. The request for \$150,000 additional and outside of the general appropriation carried in the bill is extremely modest, in view of the necessities of the case. All of these matters were fully presented to the Appropriations Committee, and I regret they failed to respond to the petitions of the homesteaders in the West.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes. This is a very important matter.

The CHAIRMAN. Is there objection? [After a pause.] No objection is heard.

Mr. PRAY. Now, Mr. Chairman, in addition to that letter I have a report here from the surveyor general of Montana, and I want to read some extracts from that report relative to this amendment. The Surveyor general says:

In relation to surveys payable from the regular appropriation made each year by Congress for surveys and resurveys of public lands, I would state that last year's apportionment for this district was totally inadequate to cover the cost of surveys applied for by actual settlers and authorized for survey by the General Land Office. The amount of said apportionment was \$20,000 only.

That was the amount apportioned from the general appropriation in the year 1911.

In consequence of which 35 townships authorized and assigned for survey had to be left unsurveyed last year, as is shown in statement No. 1, although many of the townships included in the different groups were authorized for survey upon settlers' petitions two to three years ago. Petitions for the survey of nine additional townships have been filed to date and authority granted to survey same since the last assignments were made. It is expected that this number will be considerably augmented by petitions which will be filed during the coming months.

Mr. Chairman, in 1910, as the gentleman from Wyoming stated a few minutes ago during the course of his remarks, the State of Montana received an additional appropriation of \$100,000, which I was fortunate enough to secure through the Committee on Appropriations, but in 1911 we received no special appropriation and only got \$20,000 out of the lump-sum appropriation of \$450,000. Now, I want to read you what the surveyor general says about the \$100,000 additional appropriation made in 1910. He says this:

Of the \$100,000 appropriated for the purpose by act of June 25, 1910, there will be on April 1, 1912, an unexpended balance of approximately \$24,000, or \$26,000 less than enough to care for townships now authorized for survey, as shown by statement No. 2.

Mr. RUCKER of Colorado. That is, in your State?

Mr. PRAY. In my State alone.

Mr. RUCKER of Colorado. As long as I am on the floor, how long has your State been admitted?

Mr. PRAY. In 1889. Now, for a moment to compare the appropriations carried in the sundry civil bill this year with 1910 and 1911. In 1910 the sundry civil bill carried \$800,000

for these surveys, and in 1911 \$650,000. This question of public surveys in the West to-day is one of the most important to be considered. In nearly every Western State additional sums are necessary to complete these surveys so that the land can be properly occupied by the settlers, so that settlers upon the public domain will be able to ascertain where their corners are, where the boundaries of their claims are, to enable them to make the proper entries at the various land offices and clearly establish their rights. As before stated, the appropriation for 1910 in the sundry civil bill was \$800,000; it was \$850,000 in 1911, and only \$450,000 in the present bill. I claim that we ought to have this increase.

Mr. FITZGERALD. Mr. Chairman, I have only to say that since 1903 Congress has appropriated every dollar the department has requested, and if there is any failure to get funds for this purpose the responsibility is upon the department.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I fully appreciate the position of my friend from Montana, but his State has not been in the Union longer than 23 years. My State has been in the Union for 36 years, and we have got more unsurveyed land than he has got—

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

Mr. RUCKER of Colorado. Certainly.

Mr. HOWARD. Is not that because a good deal of your land is not good for anything much?

Mr. RUCKER of Colorado. I will say to the gentleman from Georgia that 1 acre of our land is worth more than 10 in Georgia, and all the Georgians who have come out there will testify to that fact.

Mr. HOWARD. I beg the gentleman's pardon. I thought there was a lot of mesquite and other kinds of poor land out there.

Mr. RUCKER of Colorado. Oh, no; all will be occupied. The point I was endeavoring to make was that I was making the same complaint against this committee that the gentleman from Montana was making, and I thought really I had a case against this committee, because I got from the Secretary a letter recommending or advising me to introduce a bill for \$150,000 for the survey of our unsurveyed lands.

When I got that letter I supposed, of course, I was fortified and had only to go before this committee to make them realize their dereliction of duty. But when I was faced with the proposition that the chairman here makes—and, by the way, he was in the minority on that day, so far as politics was concerned—I found that something else was necessary. The chairman had more Republicans there than he had Democrats. Otherwise, I would have thought that he was turning me down because I am a Democrat, on the ground that a Democrat had no sort of right to recognition. It did appear, as the chairman of the committee has stated, that this requisition should have been made by the department. Then when I saw myself go up against that kind of a stone wall I immediately wrote to the Secretary, asking him to tell me what he meant by advising me to introduce a bill for \$150,000. I told him that it was only necessary for him to make the requisition upon the committee.

I have that letter wherein he declined to do that. It is not in my desk here; it is over in my office. In that letter, I say, he declined to do that and said I had to wait until next year. So that my friends from Montana and Colorado must wait until next year—until this requisition is made upon the committee. Until then we ought not to make any opposition to the appropriation that is here made.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Completing field notes of surveys in Minnesota and North Dakota: To complete the drafting and field-note writing pertaining to the surveys in the States of Minnesota and North Dakota caused by the discontinuance of the offices of the surveyors general in those States, \$2,920.

Mr. PRAY. Mr. Chairman, I offer the following amendment, to be inserted as a separate paragraph following the figures \$2,920, in line 10, of page 100.

The Clerk read as follows:

That authority is hereby granted the Secretary of the Interior to make examinations and resurveys and retracements of public-land lines in townships 10 and 11 north, range 26 east, and township 7 north, range 24 east, Montana meridian, State of Montana.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

Mr. PRAY. Will the gentleman reserve his point of order?

Mr. FITZGERALD. I will reserve it.

The CHAIRMAN. The gentleman from New York reserves his point of order.

Mr. PRAY. Mr. Chairman, this amendment is offered in perfect good faith and for the reason that while there is existing

law allowing the Secretary of the Interior to make resurveys, retracements, and reexaminations, being the act of March, 1909, nevertheless the department is so bound and restricted by its regulations that it is now absolutely impossible to get orders for resurveys, retracements, or reexaminations of the public lands where the disposals in a given township by final entry, approved State school selections, and patent exceed 50 per cent of the total area thereof.

I know of no way to get this authority or to have these resurveys executed than by offering an amendment to the sundry civil bill, because the department has absolutely declined to entertain a request of that character and has referred the settlers to Congress for relief.

The CHAIRMAN. If the gentleman will show the authorization to the Chair, the ruling might be different.

Mr. PRAY. I am unable to do that, except the law already cited providing for resurveys, and so forth, which is to a great extent rendered inoperative by regulations.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, \$10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The chairman of the committee announced a few moments ago a very extraordinary doctrine. He does not propose, as I understand—

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman is not debating the amendment. I do not propose to have the gentleman lecture me. I am willing, however, to have him discuss the amendment.

Mr. MANN. The gentleman from New York ought to be willing to accept a mild lecture once in a while. It will not hurt him any.

Mr. FITZGERALD. All right; I shall not object.

Mr. MONDELL. I assure the gentleman it will not be as severe a lecture as might properly be in view of the provocation.

Mr. FITZGERALD. I thought it would save time. The gentleman will not accomplish anything.

Mr. MONDELL. It is a most extraordinary doctrine. His committee does not propose to listen to the mere representatives of the people. They propose to secure their advice and information and suggestions from the bureaus.

Well, I have thought for a long time that this was getting to be altogether too bureaucratic a Government, but I did not think the chairman of the Committee on Appropriations had reached the point where he thought the bureau chiefs were entitled to exercise greater influence before his committee than Members of Congress.

The item we have just passed is a case in point. Several Members of Congress presented to the committee the strongest kind of claims on behalf of their people—on behalf of people seeking homes on the public domain—for additional expenditures. My voice was not joined in that demand before the committee, because the gentleman did not give me an opportunity to be heard. But he said he was going to teach Members of Congress better than to come before the Committee on Appropriations asking for appropriations for worthy objects. They must, hat in hand, go to the departments; they must ask a chief of a bureau somewhere to recommend an appropriation in which they were interested to the Committee on Appropriations. If the bureaus are for it the committee may provide it, but on the request of Members of Congress never. The representatives of the people have no standing before the committee. Their voices are not expected to be heard within the sacred confines of the committee room of the Committee on Appropriations. Our people may seek homes on the public domain and not find them, because the land is not surveyed. That does not matter to the Committee on Appropriations. If the third secretary or the subchief of some bureau has not appeared before the committee and assured the committee that the appropriation is necessary in the public service, no appropriation is recommended, none is secured; that is the policy of this Democratic Committee on Appropriations supported by the Democratic majority in the House.

Great heavens, Mr. Chairman, to what a pass have we come, when the Democratic chairman of a Democratic committee in the House of Representatives declares on the floor of the House that the representatives of the people are no longer to be heard; that the voices of the bureaus are alone potent in the councils

of the high and mighty Committee on Appropriations. I am willing to leave the matter as he has left it.

Mr. FITZGERALD. Mr. Chairman, I simply wish to say, in justification of the action of the Committee on Appropriations, that it appears that on April 1, 1912, there were in the State of Wyoming public lands surveyed and unappropriated to the extent of 30,000,000 acres; and it did seem to the committee, in view of the fact that since 1909 only about 3,000,000 acres have been taken up in that State, that there was not that screaming necessity for a special appropriation for the survey of public lands in the State of Wyoming that the gentleman from Wyoming would seem to indicate.

Mr. MONDELL. Of course the gentleman from New York, by reading those three lines, receives more information with regard to the needs of the State of Wyoming in that regard than I have been able to receive in 20 years of residence in the State.

Mr. FITZGERALD. That may be, but it shows the wisdom of the committee in not relying too much upon the representations made by a representative of the people seeking to get public funds from the Treasury to benefit his particular constituents.

The Clerk read as follows:

For the analyzing and testing of the coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, \$135,000.

Mr. FOSTER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 103, line 12, after the word "States," insert the following: "Including personal services in the District of Columbia and elsewhere."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. FOSTER. That is elsewhere in the field.

Mr. FITZGERALD. I ask that the paragraph be passed and laid aside with the point of order pending.

The CHAIRMAN. Is there objection to passing the paragraph with the point of order pending?

There was no objection.

Mr. FOSTER. After line 12, I want to offer an amendment to come in as a new paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 12, on page 103, insert as a new paragraph the following: "Inquiries and investigations into the mining and treatment of ores and other mineral substances, \$50,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that item that it is not authorized by law.

Mr. FOSTER. Mr. Chairman, the original act contains this language:

The treatment of ores and other mineral substances.

Mr. FITZGERALD. Belonging to or for the use of the United States, and that is provided in the paragraph that we have just read.

Mr. FOSTER. This does not say so, if the gentleman will examine the law. Of course I realize that it was stated when we passed this bill that this was not clearly defined; but I think that under this provision of the law it could be construed as authorizing the work of treatment of ores and other mineral substances.

Mr. MANN. Can we have the amendment reported again?

The CHAIRMAN. If there be no objection, the amendment will be again read.

The amendment was again read.

Mr. MANN. I do not understand that in that amendment there is any limitation upon the appropriation at all. The appropriation under the mining act was, as I understood it, confined in the main to investigations of property owned by the United States, and on the public domain. This is an unlimited appropriation for inquiries concerning ores.

Mr. FOSTER. Concerning the treatment of ores and other mineral substances.

Mr. MANN. Without regard to the question of their ownership. Under that item, if it should go into the bill, the department could undertake the treatment of any person's ores, anywhere in the United States. I do not think that was contemplated by the act, and I do not think it is provided in the act. I do not think it was even covered to that extent by the bill that we passed here the other day, which the gentleman made as broad as he could make it.

Mr. FOSTER. There is a limitation in section 5 of the original act which says that the Bureau of Mines shall not have authority to investigate in connection with the inspection or supervision of mines or metallurgical plants in any State, and there is

a limitation which prevents employees of the Bureau of Mines from owning stock or an interest in mines. Of course, I agree fully with my colleague [Mr. MANN] that we ought not to go into the question of examining ores belonging to private persons, but this would be spent in accordance with the authority of the act.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if his amendment would, by implication, repeal the other act?

Mr. FOSTER. I do not think so, because I think that under the provision which defines some of the functions of the Bureau of Mines, one of which is the treatment of ores and other mineral substances, that is one of the things this Bureau of Mines is expected to do, or has the authority to do. Of course, it is not intended that they shall go into any particular mine and examine the value of the ore, or anything of that kind, but it is more in a general way.

For instance, it might be determined that in certain fields where ore is found in quantities it would be necessary for some investigation and laboratory work to discover the best way to extract the metal from that particular kind of ore. I think the Chair will recognize the fact that in agriculture we do that very largely. The Government demonstrates to the people how they can raise certain crops. That is supposed to be in a general way for the benefit of every person in that particular region where these crops can be grown. That might occur in the South, which would not be of much benefit to the North, or it might occur in the West where it would not be of much benefit to the East.

Now, that is true, and true so far as ore is concerned. Then there is a question of investigating the natural gas. In the West there is great waste of gas and ignorance of the proper way to save this waste, which I think would be taken up in a general way under this provision of the law. I assure the chairman of the committee that it is not my intention, and I would be the last person to advocate going into private mines and doing this work under that provision of the law. I have the law here, which I can furnish the Chair.

The CHAIRMAN. The Chair heard the gentleman read it, and there is a limitation in it. In the amendment offered by the gentleman from Illinois there is no limitation, as suggested by his colleague [Mr. MANN]. The Chair is of the opinion that if there was something in the amendment providing that there should be no conflict between the amendment and the original act by way of a limitation, that it should not go to the investigation of ores in private mines, the ruling might be different.

Mr. FOSTER. This does not say in this section of the law that the property shall belong to the United States in particular.

The CHAIRMAN. The Chair understood the gentleman to read in the law a limit to the appropriation.

Mr. FOSTER. The last section of the act does say that it shall not be construed as a grant to any officer employed in the bureau any right or authority in connection with the inspection of mines in any State.

The CHAIRMAN. Does the gentleman think the amendment offered by him is in accord with the original act?

Mr. FOSTER. I think it is, if it comes under the bill at all.

The CHAIRMAN. Does the gentleman think that under this appropriation of \$50,000, if the amendment should be agreed to, it would apply to property of private owners?

Mr. FOSTER. Oh, no; I think this does not change the law. I think this simply authorizes an investigation in accordance with the act, and that it would be held that the Bureau of Mines could not go beyond the power granted in the original act.

Mr. RUCKER of Colorado. Mr. Chairman, this is somewhat akin to the bill which came up here the other day. I want to say to the members of this committee that we have very many contentions to face—

The CHAIRMAN. The Chair will ask the gentleman from Colorado to address himself to the point of order.

Mr. RUCKER of Colorado. We have so many contentions in the West with reference to the development of our resources, and I want to say, pertaining to this special amendment, that it seems to me that it is much akin to the one that is now in the bill and that it is germane to the provision.

The CHAIRMAN. The Chair has not any question as to the germaneness of the amendment.

Mr. RUCKER of Colorado. I understand the question is of authorization. I have in mind one case where the gases appeared to baffle all the resources of all the experts of Europe as well as here. The mine is known to contain within it the most precious metals, and yet they have never been able to discover any means of suppressing or overcoming the gas so as

to enable it to be extracted. In this connection I want to say that in Colorado upon the same hill was first discovered radium.

The CHAIRMAN. The Chair will say to the gentleman from Colorado that the merits of the question are not under consideration now.

Mr. RUCKER of Colorado. Then, Mr. Chairman, I will reserve what I have to say in reference to that. I think that this amendment offered by the gentleman from Illinois is germane to the provisions in the bill.

Mr. MONDELL. Mr. Chairman, it seems to me that the amendment is not subject to a point of order. I understand the point of order was made by the gentleman from New York. The amendment provides for inquiries and investigations into the mining and treatment of ores and other mineral substances. It is in almost the exact language of the law which provides for investigations into the methods of mining and treatment of ores and other mineral substances.

The amendment follows closely the language of the organic act conferring authority upon the bureau to do the very thing contemplated by the amendment.

The CHAIRMAN. The Chair is of the opinion that there is a conflict between the amendment offered by the gentleman from Illinois [Mr. FOSTER] and section 5 of the original act. The Chair is also of the opinion, as suggested by the gentleman from Illinois [Mr. MANN], that the amendment offered by the gentleman from Illinois [Mr. FOSTER] is a violation of section 5. Section 5 places a limitation which makes it necessary for the Chair to sustain the point of order made by the gentleman from New York.

Mr. FOSTER. Then I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 103, after line 12, insert the following:
"Inquiries and investigations into the methods of mining and treatment of ores and other mineral substances, \$50,000."

Mr. FITZGERALD. Mr. Chairman, upon that I make the point of order.

Mr. MANN. Is not that the identical amendment that we have just passed upon?

Mr. FOSTER. Not quite.

The CHAIRMAN. The Chair invites the attention of the gentleman from Illinois to the fact that he has quoted the language in the main body of what has just been termed the original act, but it still does not come within the limitation set out in section 5. The Chair therefore sustains the point of order.

Mr. FOSTER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 103, after line 12, insert the following:
"Inquiries and investigations into the methods of mining and treatment of ores and other mineral substances belonging to or for the use of the United States, \$50,000."

Mr. FOSTER. Mr. Chairman, of course I thought the other amendment was in order, but I will state that within the public-land States in the West there is a great deal of land belonging to the Government and a good deal of it is mineral land. Under this provision of the appropriation bill the Bureau of Mines would be permitted to make such investigation as it deems necessary into the mineral on those lands. There is a great deal of ore and mineral substances in the public lands that belong to the United States. The Bureau of Mines would be able to make investigations into the treatment of those ores and such other investigations as would develop the mining industry of the United States. We realize that within the last few years in some sections of the country the production of the precious metals has depreciated very much. This would help to stimulate the production upon public lands. This also would give opportunity of finding out more about how to extract the metal from these ores, and I believe would be a start in the right direction. I would state that the people of the West, in the metal-producing States, have asked for a number of years that something be done for that section of the country. When this Bureau of Mines was established, it was done largely for the purpose of investigating coal mine accidents, which was proper and right, and I am glad it was made their special business to look after that feature of the work; but I think we have come to a time when there might be some enlargement of the scope of this bureau, and that we might undertake some useful work which these people in the West have asked for, for so long.

We remember that from the public lands, the mining lands of the United States, the mining industry itself has received very little benefit. The proceeds from the sale of public and mining lands has gone into the Treasury or into the reclamation fund or for agricultural purposes, and really the mining industry has not received the benefit which it ought to have

received on account of its importance to the general welfare of the country. I believe the chairman of the Committee on Appropriations, if this matter had been called to his attention a little earlier, would have been willing to place this in the present bill, and I feel that his great desire to do everything he can for the upbuilding of this great industry will prevent him from seriously opposing the amendment. I realize that as chairman of that committee it is necessary for him to make some protest, and I feel that he can not let this go without making a protest in some way, but I feel confident that he will not seriously ask that the amendment be defeated.

Mr. FITZGERALD. Mr. Chairman, the gentleman has not done me full justice. He should have stated that the committee has increased by 33 per cent the appropriation available for practically the same purpose for which the gentleman offers his amendment.

Mr. FOSTER. Oh, no; I think not.

Mr. FITZGERALD. The item just preceding provides for the analyzing and testing of coals, lignites, ores, and other mineral fuel substances belonging to or for the use of the United States, and appropriates \$135,000. The appropriation for the current year is \$100,000, and the committee has increased it \$35,000 in accordance with the estimate.

Mr. MANN. Is the gentleman quite sure about his figures?

Mr. FITZGERALD. My recollection is that I am correct. Considering the liberality of the committee in this respect and its desire to meet the demand for this purpose, it seems that it comes with poor grace from gentlemen who have been treated so well to try and increase this appropriation further by an additional 50 per cent over the appropriation for the current year.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. I think the gentleman will realize that the \$135,000 will be all taken up in the testing of coals and lignites.

Mr. FITZGERALD. I am not so sure about that.

Mr. FOSTER. I think the committee has acted wisely in granting this increase, and I want to compliment it for the good work it has done.

Mr. FITZGERALD. Mr. Chairman, I think the gentleman should have profited by the example of the committee and not have attempted at this time to practically repeat the appropriation for the same purpose. The Bureau of Mines has done some valuable work. The disposition of the committee is to give it that assistance that it properly should have, but in view of the fact that the gentleman was really endeavoring to obtain an appropriation for a work not authorized and was unable to do that, he should not attempt to increase far beyond the amount requested by the Bureau of Mines itself the appropriation for another purpose amply provided for.

I ask unanimous consent that all debate on the amendment close in five minutes.

Mr. RUCKER of Colorado. Mr. Chairman, I desire to be heard for one minute.

Mr. FITZGERALD. I ask unanimous consent that all debate on the pending amendment be closed in five minutes.

Mr. MONDELL. I object.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate close in six minutes.

The CHAIRMAN. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Chairman, I ask to be notified at the end of a minute or two minutes. This appropriation for the Bureau of Mines is apparently increased from \$475,500, if my figures are correct, to \$536,100, although I think those totals are not quite accurate. Now, the Bureau of Mines is doing very well. It ought to move along somewhat slowly. It can not reform the earth at once or in a minute, and if it makes haste too rapidly it will not make good progress. I do not believe there is any occasion for increasing the appropriation by \$50,000, as suggested. I was sorry the gentleman did not offer his proposition to come in under the appropriation carried in the bill. If it is necessary to do that work, it can be done under the appropriation provided in the bill. There is no occasion for expending \$50,000 to test metals belonging to the United States. We have them tested now in many places.

Mr. RUCKER of Colorado. Mr. Chairman, if I have the other two minutes I want to say that the gentleman from Illinois is entirely mistaken about that. We have more unoccupied and unappropriated mineral land than is already taken, and the way the titles are obtained to-day to the mineral land is by way of inspection. We can not get our titles to the mineral land like we used to, but the inspector has to come along, and he must take his samples of our prospect holes, and he takes them to the assayer to determine whether we have a mineral

claim that is worthy of obtaining a title, so therefore, as I said the other day, truly this provision is in the interest of the Government to determine whether it will part with its title, and I think, as I said also, it might be extended to the question of air and the gas, and determine about the very valuable minerals that have never been discovered before until they were discovered in the State of Colorado. I think we ought to have an additional appropriation with reference to the metalliferous mines, and it has been determined, as said by the chairman of the committee, that all of this money has been spent in the coal fields. Now let us have some of this appropriation appropriated for the development of the western metalliferous mines. [Applause.]

Mr. MONDELL. Mr. Chairman, I hope the amendment may be adopted. I think the amendment, while it is more restricted than I wish it were, is broader and provides for other work than that covered by the items in the bill. I think it is highly important that the Bureau of Mines should have this sum of money for the purpose of investigating the minerals on the public land and minerals for the use of the Government. The money can be very profitably, properly, and usefully spent. I do not believe that the work contemplated can be carried on under the language in lines 10, 11, and 12, page 103, so that the amendment is necessary in order to have this work carried on at all. The appropriation to which the gentleman from New York referred I do not think is available for the work contemplated under the amendment.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced the yeas seemed to have it.

On a division (demanded by Mr. RUCKER of Colorado) there were—yeas 19, yeas 19.

So the amendment was rejected.

The Clerk read as follows:

For one mine inspector for duty in Alaska, \$3,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. What occasion is there for a mine inspector in Alaska?

Mr. FOSTER. I will state that we have some mines in Alaska—

Mr. FITZGERALD. We have coal mines and placer mines and other mines.

Mr. FOSTER. The great Treadwell mine is there.

Mr. MANN. I judge there is no great occasion in Alaska for anybody investigating placer mines, and I am sure for nobody investigating coal mines.

Mr. FOSTER. It is authorized by law.

Mr. MANN. No; there is no authorization of law for it at all. There was an act in 1891 authorizing two mine inspectors for Territories, who were authorized to inspect coal and other mines of the District of Alaska, but I think not at this salary, and I notice the next item. May I ask the gentleman, in connection with this item about the next item, which is for a per diem expenses of an inspector in Alaska. The per diem is \$5 a day for one inspector and his traveling expenses, and carries up a total of \$3,500. Of course, if he receives his per diem for every working day it would amount to considerably less than \$2,000. How much sleeping-car fares can a man expend in Alaska?

Mr. HAWLEY. They sleep six months up there.

Mr. GARNER. The gentleman from New York can tell you about that; he can tell you how much sleeping-car fares they pay in Alaska.

Mr. FITZGERALD. I do not know; I have never traveled on a sleeping car in Alaska.

Mr. MANN. I have reserved the point of order against the mine inspector for duty in Alaska, and in connection with that item is the other item of \$3,500 to pay the per diem of \$5 per day and traveling expenses, which seems like a very large sum to pay a man a salary of \$3,000 and then \$3,500 extra as per diem and traveling expenses.

Mr. FITZGERALD. Mr. Chairman, the law fixes the compensation at \$3,000 for one inspector of mines in Alaska—

Mr. MANN. Where is the law that fixes the compensation at \$3,000?

Mr. FITZGERALD. There is no law.

Mr. MANN. No; that is it. On the other hand, there is a law, I think, fixing the compensation of a mine inspector in the Territory at \$2,500.

Mr. FITZGERALD. Two thousand dollars.

Mr. MANN. Well, the appropriation last year was \$2,500, \$5,000 for the two.

Mr. FITZGERALD. Five thousand dollars, and this man is now in the service and now doing work. We put a provision

in here to prevent certain payments to him which otherwise he would receive. The statement was made that it is very essential in placer mines in Alaska to have an inspector there, more essential than in any other place, and the committee did not feel justified in refusing the appropriation necessary to continue that service.

Mr. MANN. This provision in reference to—

Mr. FITZGERALD. The last provision of \$3,000 per year was provided in the last Congress.

Mr. MANN. This provision for mining inspectors in the Territories is under an act passed more than 20 years ago. At that time there was no Bureau of Mines and Mining. There was no appropriation made by Congress in reference to the subject except for two inspectors for the inspection of mines in the Territories, where we had the power. Since that time we have created the Bureau of Mines and Mining, and this bill carries over half a million dollars for the inspection of mines and work in connection with them. I can see no occasion for going back and following after the law of 1891. I supposed that the law gave the Secretary of the Interior the authority for appointing a mining inspector for Alaska. We have come to a more recent date.

Mr. FITZGERALD. I have the provision extending the law to Alaska. It is in the appropriation act for the fiscal year 1911. This provision is:

For salaries of two mining inspectors authorized by the act approved March 3, 1911, for the protection of the lives of miners in the Territories, at \$2,000 per annum each, \$4,000; and said inspectors are hereby authorized to inspect coal and other mines in the District of Alaska, to which District the provisions of said act are hereby extended and made applicable.

Mr. MANN. I will say to the gentleman that I have the same law in my hand, and not only that law but the current law. But that does not authorize the employment of a mining inspector in Alaska at \$3,000.

Mr. FITZGERALD. But it does at \$2,000.

Mr. MANN. It would authorize the employment of a mining inspector in the Territories at \$2,000.

Mr. FITZGERALD. The compensation paid now is \$3,000 a year.

Mr. MANN. I do not know under what authority that sum is being paid. There is no appropriation for it and there is no such officer.

Mr. FITZGERALD. The appropriation is made for a man in Alaska at \$3,000. The one who was receiving \$2,000 is no longer in the service. This is to provide for the man now in the service who has been receiving \$3,000 a year.

Mr. MANN. I think they ought to be provided for out of the lump-sum appropriation that we make for the Bureau of Mines and Mining. That is where it belongs. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding \$5 per day when absent on official business from his designated headquarters, and for actual necessary traveling expenses of said inspector, including necessary sleeping-car fares, \$3,500.

Mr. MANN. Mr. Chairman, I make the point of order against that paragraph. It is in the same condition as the other one.

The CHAIRMAN. The burden is on the committee to produce the authorization for it. The committee producing none, the Chair will sustain the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase or lease of the necessary land, where and under such conditions as the Secretary of the Interior may direct, for the headquarters of five mine-rescue cars and for the construction of the necessary railway sidings on the same, \$4,000: *Provided*, That the Secretary of the Interior is hereby authorized to accept any suitable land or lands that may be donated for said purpose.

Mr. FOSTER. Mr. Chairman, I have an amendment to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOSTER].

The Clerk read as follows:

On page 104, line 3, after the word "purpose," insert the words "or the donation of any land or building, or the use of any land or building, that may be suitable for experimental work of the Bureau of Mines, except that such donations shall be reported to Congress and shall involve no expenditure on the part of the Government except as may be authorized by Congress."

Mr. PAGE. Mr. Chairman, I reserve a point of order against that amendment.

Mr. MANN. I make the point of order.

Mr. FOSTER. I do not think that is subject to a point of order.

Mr. MANN. We are perfectly willing to argue it.

Mr. FOSTER. I think the gentleman might have been right in making the point of order against the whole paragraph, but he can not make it now.

Mr. MANN. The item in the bill which is subject to the point of order, and to which the point of order was not made, is the item authorizing the acceptance of land for railway sidings for mine rescue-car stations. Now, it is proposed to add to that a provision authorizing the acceptance or donation of lands or buildings suitable for experimental work.

The CHAIRMAN. To what is the gentleman addressing himself? To the amendment?

Mr. MANN. The point of order to the amendment.

Mr. GARNER. No point of order was made against the paragraph.

Mr. PAGE. There was no point of order made against the paragraph, Mr. Chairman.

Mr. MANN. I was admitting that the paragraph was subject to the point of order.

Mr. CAMPBELL. It is not admitted.

Mr. MANN. If it was not, of course the amendment is out of order. I was admitting that for the purpose of the argument. But the donation that they are authorized to accept in the paragraph which was subject to the point of order was simply land for the purpose of railway sidings in connection with mine and rescue-car stations.

Now, that does not authorize, under the rules, an amendment which covers another subject, and the amendment offered by the gentleman is the acceptance of a donation of any land or buildings for experimental stations. It is an entirely different proposition. The Chair made the ruling the other day that, although an original provision might be subject to a point of order, it did not authorize another amendment on any other subject or extending the scope of the provision.

Mr. FOSTER. I think, Mr. Chairman, that this paragraph being subject to a point of order—the paragraph which has just been read—an amendment which otherwise would be subject to a point of order is not subject to a point of order now. Inasmuch as that point was not made to the paragraph which was not in order, I think this amendment is clearly in order.

Then, this refers to mine-rescue stations, mine-rescue cars, necessary railroad sidings, and so forth. Now, this has reference to the experimental mine stations, and has to do with the same class of work—that is, it is associated with it in that these mine-rescue stations are for the purpose of providing relief in case of mine accidents. What is sought to be obtained in this amendment is that the Government shall have the right to accept certain lands or property that may be offered for the purpose of establishing mine experimental stations in reference to mine accidents. So I think they are very intimately associated, and that for those reasons the amendment should be held in order.

Mr. CAMPBELL. I assume that the idea of the gentleman from Illinois [Mr. FOSTER] is a practical one, the having of this station that he contemplates as an auxiliary to the car on the siding.

Mr. FOSTER. Certainly.

Mr. CAMPBELL. Supplementing the work of the Bureau of Mines in its rescue or relief service?

Mr. FOSTER. Yes; certainly. It is to make experiments along those lines. For instance, at Pittsburgh there is an experimental station. At that station they make experiments in order to determine the effect of explosions, what produces explosions, what prevents them, and so on, and that goes along with the work of the mine-rescue cars and rescue stations.

Mr. CAMPBELL. Mr. Chairman, on the point of order I think there can be no question but that the amendment offered by the gentleman from Illinois [Mr. FOSTER] is germane to the paragraph and supplements it, and really has for its object the carrying out of the intention of Congress in its rescue work for the aid of miners in case of accident; and if it is proper to accept land for sidings for a rescue car, it must follow that it is just as competent to accept land for a shed or a building or a station, in which this kind of rescue work may be had, in connection with the work that is done by the rescue car on the siding.

The CHAIRMAN. The Chair recognizes the principle that although the paragraph itself may have been subject to a point of order, an amendment perfecting it is the greatest extent to which it may go; and while the paragraph itself may be new and unauthorized legislation, additional legislation is not in order. Therefore the Chair sustains the point of order.

The Clerk read as follows:

In all, for the Bureau of Mines, \$533,100.

Mr. MANN. Mr. Chairman, the figures on that line need changing, and I suggest to the gentleman from New York that

he ask unanimous consent that the Clerk be authorized to correct the totals—that he make that general request.

Mr. FITZGERALD. We always ask that as to all these bills, that the Clerk may have the right to correct the totals.

Mr. MANN. We might as well ask that now.

Mr. FITZGERALD. I ask unanimous consent that at the end of the bill the Clerk be authorized to rearrange the totals to conform to what is done.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, \$200,000; so much of which sum as may be necessary for the purchase of supplies shall be immediately available: *Provided*, That no person employed hereunder as special agent or inspector, or to perform any special or unusual duty in connection herewith, shall receive as compensation exceeding \$200 per month, in addition to actual traveling expenses and per diem not exceeding \$4 in lieu of subsistence, when absent on duty from his designated and actual post of duty: *Provided*, That of the sum hereby appropriated not exceeding \$7,000 may be expended for personal services in the District of Columbia.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct the typographical error at the end of line 4, on page 195.

The CHAIRMAN. If there be no objection, the typographical error at the end of line 4 will be corrected.

There was no objection.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, \$5,500.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the paragraph just read may be passed over for a few moments, as the gentleman from Wyoming [Mr. MONDELL] wants to be heard on it, and he is temporarily absent from the Hall.

The CHAIRMAN. If there be no objection, the Clerk will proceed with the reading.

There was no objection.

The Clerk read as follows:

No expenditure for construction of administration or other buildings shall hereafter be made in any national park except under express authority of Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order upon that paragraph.

Mr. FITZGERALD. Mr. Chairman, if the gentleman understands that provision, I think he will favor it. I think everyone interested in the national parks will favor it. In some of the national parks the revenues are permanently appropriated for improvements. Complaint has been made that inadequate appropriations have been made for those improvements, and yet in the Yellowstone National Park it was disclosed that more than \$23,000 has been accumulated from the revenues, the intention being to accumulate \$50,000 to erect an administration building. The superintendent of the Yellowstone National Park at present resides in the fort with the troops. He is an Army officer. The records are all there. The desire of another department of the Government to eliminate the Army from participation in and control of these parks is responsible for the accumulation of this fund out of the revenues which are supposed to be utilized in maintaining the park, in order that the accumulated fund may be used for the construction of this administration building. At one of the other parks \$7,000 or \$8,000 has been accumulated for the same purpose. The most important improvements in the park are the building of roads and trails, and it being disclosed that two parks are in a position where these funds have been segregated from the purposes for which they were contemplated, for the erection of very expensive buildings, the committee thought it wise to put this limitation into the bill.

Mr. MANN. As far as I am concerned, I agree with much or all that the gentleman has said. Yet it must be necessary in these parks sometimes to construct small buildings, outbuildings, or something of that kind, for which express authority from Congress would not be asked.

Mr. FITZGERALD. Yes; it would in this way, that the appropriation would include so much for a lodge or something of that kind. That is the only way to prevent this abuse. Here they have been for three or four years accumulating this money—

Mr. MANN. I was going to ask the gentleman whether it would not prevent the abuse if he would put a limitation upon the amount that could be expended for any building? The

gentleman does not desire to make an express appropriation for the building of an outbuilding or some other structure that may cost four or five or six hundred dollars, I take it?

Mr. FITZGERALD. Oh, no.

Mr. MANN. Why not provide that no building paid for in this way shall cost to exceed \$1,000 or \$500?

Mr. FITZGERALD. That does not do much good, because I have on my desk a request for some four hundred and odd dollars, where a man made a contract with the Forestry Service for a building to cost \$900, although the law was that no building should be contracted for in excess of \$500.

Mr. MANN. The gentleman is partly correct about that. I know about the case. There was a question whether the law governed that case or cases of that kind. The department made a contract with a man to build a building for nine hundred and odd dollars. The department believed that it had the authority to make the contract, that the \$500 provision did not apply, but the comptroller ruled that the \$500 limitation did apply.

Mr. FITZGERALD. The gentleman knows that if there was any question about it the department, under the law, could have invited the opinion of the comptroller in advance and got a decision.

Mr. MANN. I will say to the gentleman that my knowledge of the case comes from the fact that the Committee on Claims has unanimously reported a bill to pay the four hundred and odd dollars. It seemed to me perfectly plain that no criticism of the department or anybody else could be made.

Mr. FITZGERALD. I think there would be a criticism if there was any doubt about the expenditure of the money when they had the power to call for an opinion of the comptroller in advance and did not do it.

Mr. MANN. That may all be, but they do not call for an opinion from the comptroller every time some one wants to build a \$900 building. I suppose the comptroller was right, although I doubt whether the decision was correct, if he had not made it. He settles the law. If we had the provision in the bill before us no one would have supposed that that limitation applied to a building in the case that he held it to apply to. Now, why not put a limitation on this provision?

Mr. FITZGERALD. I have no objection to the gentleman putting in such a limitation.

Mr. RUCKER of Colorado. Mr. Chairman, I am in doubt whether to ask a question of the gentleman from Illinois or the gentleman from New York.

Mr. MANN. The gentleman can ask it of anybody and see if anybody can answer it.

Mr. RUCKER of Colorado. I am much in doubt of getting a correct answer, for the two gentlemen disagree too much. I am under the impression that there is an appropriation asked for to maintain these parks as well as the national monuments. I think the appropriation asked for is \$75,000. I see the gentleman from New York shrugs his shoulders. Whenever an appropriation is mentioned the gentleman from New York shrugs his shoulders, and I think it would be the same with 75 cents as if it was \$75,000. The gentleman from New York has the atlas of the world upon his shoulders at the present time.

Mr. FITZGERALD. Very few persons can shrug their shoulders with the atlas of the world on them.

Mr. RUCKER of Colorado. It is not because the atlas weighs so much, but because there might be an untoward wind that might drive the atlas off, and then what in the world would become of us?

Mr. FITZGERALD. Oh, ask the question.

Mr. RUCKER of Colorado. Is it not true that there is an appropriation asked for both for the maintenance of parks and national monuments, and would not that cover this appropriation that is in here, and why should you make an exception of national parks?

Mr. FITZGERALD. All of the national parks are specially provided for. There is a special appropriation made for the various national parks and the monuments for which there is any expenditure made.

Mr. RUCKER of Colorado. The point is that there is a bill here asking for a general appropriation for not only the present national parks, but for the future national parks.

Mr. FITZGERALD. I am not familiar with that bill. There is a bill which has been introduced for the creation of a bureau in the Department of the Interior to have charge of all of the national parks, but that would be merely an administrative bureau.

Mr. RUCKER of Colorado. I do not want the gentleman to understand me as objecting to this appropriation. I believe in all appropriations for national parks.

Mr. MANN. Mr. Chairman, will the following amendment be agreeable to the gentleman from New York: To insert, after

the word "building," in line 11, "costing in the case of any building exceeding \$1,000," so the paragraph would read:

No expenditure for the construction of administration or other building costing in the case of any building exceeding \$1,000 shall hereafter be made.

Mr. FITZGERALD. I would make it \$500.

Mr. MANN. I do not know that I have any objection to that. Mr. Chairman, I will withdraw the point of order and offer this amendment: In line 11, after the word "building," insert the words "costing in case of any building exceeding \$500."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

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

The Clerk read as follows:

On and after July 1, 1912, permanent appropriations heretofore made of revenues derived from national parks shall be expended only for construction, improvement, and repair of roads, trails, and bridges in the respective parks and for no other purposes whatever.

Mr. MANN. Mr. Chairman, I reserve a point of order on that. Does the gentleman think that this provision is desirable?

Mr. FITZGERALD. The revenues do not amount to much, and it is important in this respect. There is a desire to use the revenues where permanently appropriated in the repair of roads; there is a decision of the comptroller that wherever a special appropriation is made for roads the revenues can not be used for that purpose. We wish to do two things by this. We wish to compel the expenditure of the accumulated surplus on these particular things most important, and to make it possible to expend the revenues on roads, trails, and bridges, in this instance, where specific appropriation has been made.

In the Yellowstone Park the appropriation for roads is under the War Department, and the revenues collected are under the Interior Department. The Interior Department wished to transfer a portion of the revenues for making imperative repairs to the roads, and it is impossible to do so.

Mr. MANN. Are the collections used by the Interior Department in payment of the ordinary expenses? Is not a part of the money derived now from the Yellowstone Park used for the ordinary expenses under the Interior Department, or is the entire money turned over to the War Department?

Mr. FITZGERALD. That is what it should be, but I think in the Yellowstone Park there are only two guides outside of the Army.

Mr. MANN. Who pays them?

Mr. FITZGERALD. They are paid out of a special appropriation made for them, which the gentleman will find on page 106, lines 8 and 9, of the bill.

Mr. MANN. That is the administration. I will withdraw the point of order, but, Mr. Chairman, I ask unanimous consent, in line 14, to correct a typographical error.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement of the Yosemite National Park and the construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, \$50,000.

Mr. NEEDHAM and Mr. SHERLEY rose.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 106, after line 23, insert the following:

"So much of the appropriation of \$12,000 made in the sundry civil act approved June 25, 1910, to enable the Secretary of the Interior to examine into the data required to be submitted by the city of San Francisco with reference to a water supply for that city from Lake Eleanor and adjacent watersheds partially within the Yosemite Park, or from any other available sources of water supply, and to collect such independent data and information as may be necessary in the premises, including all incidental expenses of the officers of the Engineer Corps of the United States Army detailed by the Secretary of War as an advisory board to the Secretary of the Interior in connection therewith, as remains unexpended on the 30th day of June, 1912, is hereby re-appropriated and made available during the fiscal year 1913 to enable the Secretary of the Interior to continue such work during that period."

Mr. NEEDHAM. Mr. Chairman, I have no objection to that amendment, but I desire to offer one in advance of it affecting the amount of the appropriation. Is it in order now, or would it be in order after this amendment is agreed to?

Mr. SHERLEY. Mr. Chairman, I desire to have this amendment adopted. I do not know what the gentleman is going to propose. This represents the view of the committee and is the extent to which the committee feels justified in going.

Mr. NEEDHAM. I simply desire to offer an amendment adding \$50,000 to the amount already appropriated, and thought it better be done in advance of the gentleman's provision. I do not want to lose any of my rights.

Mr. MANN. I think the gentleman would better offer his amendment now.

Mr. NEEDHAM. Then, Mr. Chairman, I move to amend by striking out in line 23, page 106, the figures "\$50,000" and inserting in lieu thereof the figures "\$100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, line 23, strike out "\$50,000" and insert "\$100,000."

Mr. NEEDHAM. Mr. Chairman, the estimates submitted by the Interior Department for the Yosemite National Park for the next fiscal year amount to \$274,820. The committee has recommended \$50,000, which is less than one-fifth of the amount estimated. The situation with respect to the Yosemite National Park is this: Some years ago the Yosemite Valley Railroad Co. built a railroad from the city of Merced to El Portal, which is upon the park line. From El Portal to the Yosemite Valley there was no wagon road to the valley. The railroad company built a wagon road at an expense to them of \$100,000, and the Government of the United States has had the use of this road since. The travel which goes into the Yosemite National Park by rail goes over the Yosemite Valley Railroad and thence by stagecoach from the end of the railroad into the valley proper.

The \$100,000 which it cost to construct this road was paid by the railroad company. It is not a well-built road. It is narrow and runs along the canyon of the Merced River, and during this past tourist year one person was killed and several were injured in passing over the road. The fact of the matter is that the road is not in a safe condition, and of the estimates submitted a part are for the purpose of making this road safe and the balance for trails and roads to reach the principal scenic features of the park.

I understand the Government, in fixing the basis of concession charges, exacts of the stage company for going over this road \$1 for every tourist carried. In other words, the Government obtains for every tourist who goes into the park over this road a concession charge of \$1. The Government also receives a concession charge for each tourist from the hotels and camps.

In the year 1915 we expect to have a great number of people who will visit the State of California. Tickets sold to the exposition in San Francisco during that year will include a trip to the Yosemite National Park.

It is in the interest of the Government, in the interest of the revenues of the Government, that the roads of the Yosemite National Park should be put into such condition that the people who will visit the park may do so safely and comfortably. It is imperatively necessary that we begin now to make these improvements. That is the reason why the estimate of \$274,820 was submitted by the Interior Department. It will be an investment, in my judgment, and will bring to the Government during the year 1915 alone, over \$100,000. It seems to me that the amendment I offer should be adopted without question, because unless we do improve these roads it will be impossible to transport the crowds that will desire to visit the park during that year.

In the five minutes allowed me I can not go into a description of the beauties of the Yosemite Park or the desire of the tourists to visit it when visiting the State of California. Its fame and beauty is such that there is no doubt but that a large number of people who go to San Francisco to visit the exposition in 1915 will desire to include in the trip a visit to this wonderland. I trust the Committee of the Whole will adopt the amendment. [Applause.]

Mr. SHERLEY. Mr. Chairman, the committee has recommended an appropriation of the exact sum that was given last year and the exact sum that was given the year before, if you exclude from it \$12,000 that was to provide a part of the sprinkling apparatus which has now been supplied. If the Committee on Appropriations listened to the demands that were made upon it in connection with the public parks, there would be no limit to the sums that we would be called upon to appropriate. There have been asked, not only for this park, but for several others, sums three and four and five and six times the amount heretofore appropriated by Congress. It is a very serious question as to how far we should go in the development of the various park systems that we have. Every time there is discovered in any of the States any property that, by any stretch of the imagination, can be thought to be desirable for a national park and therefore maintained at national expense, local pressure is brought to bear to induce Congress to appropriate, first, money for the purchase and afterwards for the maintenance of it as a national park. Yet the fact remains that a very insignificant number of people, very much less than a fraction of 1 per cent of the people of America, annually visit

these national parks. For my own part I believe the time has come in America when we should impose upon those citizens who get the special benefit of the parks some of the burdens of them, and I should like to see adopted a provision by which every person entering these parks would be charged a reasonable entrance fee.

I appreciate that the average Member on first blush would say that we ought not to require a payment to visit a national park, but when you consider the expense in attending a park is such as to make a fee of a dollar or two simply an incident to the other expenses, it would have the effect not of deterring anybody but simply of providing some revenue to enable us to more rapidly improve the park.

Mr. WARBURTON. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. WARBURTON. In talking with the superintendent of the parks, and also the man who has charge of the national parks, Col. Thompson, it has been suggested, which I think probably meets the gentleman's suggestion, that when you give a license to hotel men, for instance, in a park, you should require them to collect, say, 20 cents a day from each visitor. Some go into the park to remain there three or four days or a week, and others remain only a day. I think that has been done in the case of Mount Rainier National Park. There is a revenue collected nearly equivalent to \$1 from every man, woman, and child who has entered the park ever since it has been established. It seems to me it could be done in that way, and very easily, even if you put it at a small amount, say 10 or 20 cents a day.

Mr. SHERLEY. I have no objection to any plan that will occasion the people who use the park to pay some of the burden of the maintenance of the park. Now, the point is this, that a good deal of the agitation and what you hear described as public sentiment in connection with parks is simply a sentiment of local communities that are beneficiaries of the park system or of the railroads that naturally want to advertise the park and induce travel there in order that they may get the revenues for hauling people across the continent, and at this time there has been an undue pressure under the plea of the exposition at San Francisco that therefore we should make elaborate improvements. Here is an estimate for \$274,000 for roads and trails in the Yosemite. Manifestly the committee would not have been warranted, in view of the policy of Congress in the past, in appropriating any such sum. The appropriation in 1903 was \$6,000 for the Yosemite; in 1904, it was \$6,000; in 1905, it was \$5,400; in 1906, it was \$5,400; then a special act of \$20,000; then in 1907, it was \$5,750; in 1908, it was \$30,000; in 1909, it was \$30,000; in 1910, it was \$30,000; in 1911, \$62,000, \$12,000 of which I have explained; in 1912, \$50,000. The committee this year has recommended the maximum sum that has ever been allowed by Congress for the Yosemite if we exclude the \$12,000 for the special purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears no objection.

Mr. RUCKER of Colorado. I know the gentleman has traveled extensively. Will he tell this committee where in the world, not only in the world but anywhere in our country, when you went into a park you had to pay an admission fee?

Mr. SHERLEY. Oh, yes; I recall several in England I visited where I paid admission, and I recall one not owned by the Government in Colorado where I paid admission.

Mr. RUCKER of Colorado. Please tell me where in England you went into a park where you had to pay a fee to get in.

Mr. SHERLEY. I can not recall the place, but I recall what is known as the Torrent Walk, in a park in England, I had to pay an entrance fee, and I am quite sure that is true of some places in Switzerland. But that is neither here nor there.

Mr. RUCKER of Colorado. That is, to the guide?

Mr. SHERLEY. No; it was not to a guide. But that is neither here nor there, whether England or the other countries do it or not. If it is right I think it ought to be done, and if it is not right we should not do it.

Mr. RUCKER of Colorado. I do not think it is right here. I do not think there is a necessity for going to that sort of thing, even if other countries do.

Mr. SHERLEY. The proposition is simply this: Here is the Yellowstone, our greatest national park. Last year 23,000 people attended the Yellowstone National Park. Now, out of 90,000,000 people 23,000 enjoyed that park. Does the gentleman think it would be any great hardship to charge those people in addition to the sums that they voluntarily pay to the transportation companies an entrance fee of a dollar a person?

Mr. RUCKER of Colorado. No; I am going to get my friend from Illinois [Mr. MANN] to answer the gentleman upon that.

Mr. MANN. May I ask the gentleman whether, after all, the question is, how will people consider it who will be charged a direct charge. The gentleman of course would not charge United States citizens for coming into the Capitol to inspect it. We would not think of that. I do not think anyone would think of charging people for going to see the Congressional Library, although it is well worth seeing. We would not think of that, not because people might not properly be charged for the maintenance, but because it would appear to them as a niggardly and stingy act on the part of the Government. If it could be done indirectly as suggested by the gentleman from Washington, perhaps—

Mr. SHERLEY. Well, I am not so much concerned about whether it is done directly or indirectly as I am about this. It is perfectly manifest that Congress is not going to be willing with the present light attendance at these parks to expend the money that gentlemen representing these parks insist ought to be expended, and the result is that we must proceed along the lines we are proceeding, which are very slow, or we must provide some other method of adding to the revenues that are to be spent on the parks.

Mr. NEEDHAM. Is it not true we are now getting indirectly this revenue by charging the transportation companies for the privilege of transporting passengers?

Mr. SHERLEY. It is true that last year we got \$35,000, all of which is expended, in addition to the money which is appropriated.

Mr. NEEDHAM. That is quite an amount—\$35,000.

Mr. SHERLEY. Yes; and that is in addition to what we have appropriated. And yet the estimates call for \$270,000 this year for the Yosemite National Park, away beyond anything that the committee would be warranted in giving.

Now, I had the pleasure of visiting the Yosemite. I appreciate the beauty of that park, and I realize how easy it is for any gentleman, knowing its beauty and representing the State in which it is situated, to urge upon Congress the building of any number of roads and trails in that park in order that its beauties may be enhanced and the more easily seen by tourists; and yet I submit to the House that the committee would not be warranted in recommending the appropriation of anything like the sum that is asked for, in view of the policy that has been pursued heretofore.

I agree that in the past there has been an absence of an enlightened policy. We ought, perhaps, to create a head to look after all the national parks and devise a system for their improvement along fixed lines. But under the circumstances the committee did not feel warranted in going fast.

Mr. NEEDHAM. Did not the committee some years ago adopt the policy in regard to the Yellowstone National Park of making a lump-sum appropriation of a million dollars a year, and were not roads built in pursuance of that policy?

Mr. SHERLEY. Congress appropriated at different times large sums for the improvement of the Yellowstone, and yet the Yellowstone people to-day are just as loud, and perhaps a little louder, in their protests against the treatment that Congress has given to that park than the gentleman from California with respect to the Yosemite; and if to-day we gave every dollar that is asked for here, we would still be confronted with just the same number of demands. The fact is that the demand is measured by the liberality, and the more that is given the more they ask. The railroads, that particularly profit by it, and a few magazines that want to publish special articles on the beauties of America continue to present what they claim is public opinion on that subject, and yet in fact there is so little public opinion upon the subject that the attendance in those parks is but a negligible quantity.

Mr. WARBURTON. I want to say, Mr. Chairman, as one of the Members who have a park asking for appropriations, that I agree, in a large measure, with the opinion of the gentleman from Kentucky [Mr. SHERLEY]. As a matter of fact, visitors in the three larger parks now are assessed the equivalent of a dollar a head for every man, woman, or child who enters the park. In the Yosemite Park last year the Government received \$3 a head for every man, woman, and child that entered it.

Mr. SHERLEY. If the gentleman will permit, is not this the accurate statement: Not a dollar was charged for entering the park, but a charge was made against the automobiles using a certain road that led to the park?

Mr. WARBURTON. I do not know how that is with respect to the Yosemite, but that is the way it is done in the park I am interested in—Mount Rainier National Park.

Mr. SHERLEY. We do not charge people for entering the parks?

Mr. WARBURTON. No. We are glad to pay for entering the park. We do not object to that, but when we do that we want to have a road improved. Last year 700 automobiles entered the park, to which they contributed \$3,500.

Mr. SHERLEY. Where did that \$3,500 go?

Mr. WARBURTON. That will go to the improvement of the national park during the coming year.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Texas?

Mr. WARBURTON. Yes.

Mr. SLAYDEN. Does the gentleman think that the contributions of the automobiles equal the damage done by them to the roads?

Mr. WARBURTON. I think they do. In the park I am interested in I am sure it is true. If you give us a road, the park will be self-sustaining from the charges made to people entering the park. It can be done in an indirect way. It is done in that way now. For instance, the hotel keepers in those parks pay so much license for running the hotels. The people who operate a bus pay so much for the privilege of operating a bus; and if you enter with your own vehicle and drive in with a team or an automobile, you pay so much for entering the park. We are not asking for a reduction on that point at all. The charge is equivalent in the three larger parks to \$1 a head. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] offers an amendment, on page 106, line 23, to strike out "\$50,000" and insert in lieu thereof "\$100,000." The question is on the adoption of the amendment.

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

Mr. SHERLEY. A division!

The committee divided; and there were—ayes 20, noes 35.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, the question is on the amendment offered by the gentleman from Kentucky [Mr. SHERLEY], which was read.

The CHAIRMAN. The question now is on the adoption of the new paragraph offered by the gentleman from Kentucky [Mr. SHERLEY].

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

Mr. MANN. Reserving the right to object, Mr. Chairman, it is a long amendment to reappropriate money for a survey in California for Lake Eleanor.

Mr. CAMPBELL. Then I withdraw my request.

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

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

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to recur to the provision with regard to the Yellowstone National Park, lines 8 to 12, on page 106. I desire to offer an amendment at the end of line 9.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Page 106, after line 9, insert the following:
"To enable the Secretary of War to prepare an estimate of the cost per mile and the aggregate cost of widening and surfacing the main-traveled roads and bridges of the Yellowstone National Park, to make them suitable and safe for the use of both teams and motor vehicles, \$10,000."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that.

The CHAIRMAN. The point of order is reserved. The Chair is ready to rule.

Mr. MONDELL. Mr. Chairman, this amendment is asked in order that the roads in the Yellowstone Park may be surveyed and investigated with a view of admitting automobiles to the park. The automobile owners of the country have for years been seeking entrance to the Yellowstone Park and to the system of park roads. The Secretary of the Interior and others having charge of the park have been of the opinion that if motor vehicles were allowed in the park in the present condition of the roads there would be danger of serious accidents. At some points the roads are rather narrow. At some points there are very sharp curves. It would probably be necessary either to provide for additional roads at certain points or for the widening of the roads in order to enable those using the park with automobiles to go through it without interfering with the park coaches and with the ordinary travel of those who use their own vehicles.

This is the largest and the finest of all the national parks. It has a wonderful system of roads and there is a constantly increasing demand on the part of those fortunate enough to own automobiles to be allowed to utilize the park. I think it would greatly increase travel to the park if automobiles were allowed in it. Automobile owners are to a constantly increasing extent making long trips across the country with their machines. The coming of the San Francisco Panama Exposition is going to lead to a largely increased transcontinental travel by the use of automobiles, and it ought to be possible for these owners of automobiles to go through the national park. As the matter now stands, they can reach the borders of the park with their machines. It is impossible for them to go through the park with their machines, and therefore they are required to make a long detour of several hundred miles in order to view the park and proceed on their journey with their automobiles.

I think the amendment is not subject to a point of order. In any event, I hope the point of order will not be insisted upon and that the amendment will be agreed to.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the ground that the amendment is new legislation and not authorized by law.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 106, after line 9, insert the following:

"For the improvement and repair of the east and south roads into Yellowstone National Park through the national forests, \$50,000."

Mr. SHERLEY. Mr. Chairman, I make the point of order that the amendment is not in order; that it is not germane to the bill.

Mr. MONDELL. Does the gentleman make the point or reserve it?

Mr. SHERLEY. I make the point. The appropriations for the building of roads in the forest reserves are carried in the agricultural bill. We are now under the Interior Department, and there is no authority for an appropriation of this kind on this bill at all, and particularly at this place.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I would very much prefer to discuss the merits of the amendment, rather than the point of order. If the gentleman insists on making the point, I want to say that the amendment is clearly not subject to a point of order. It is true that these roads are partly within a forest reserve. The words "within the forest reserves" are used only to indicate a certain portion of these roads. My amendment does not apply to the improvement of the entire length of the east and south roads. It applies only to the improvement of the parts of the east and south roads that are in the forest reserve. The east and south roads are part of the Yellowstone system of park roads. Appropriations for their improvement and repair have been carried in the sundry civil bill for the last 10 years. There has not been a sundry civil bill in that length of time, except this one, which has not carried an item of this kind for the improvement of the east and south roads.

A short time ago the gentleman from New York [Mr. FITZGERALD] objected to appropriations which were simply requested by representatives of the people. He wanted some higher authority for the granting of these appropriations. In this particular case I have a recommendation from the superintendent of the park for this appropriation. It is too long to read, but I shall insert it in the RECORD. He itemizes the needed repairs and improvements, totaling approximately \$50,000. It is as follows:

DEPARTMENT OF THE INTERIOR,
YELLOWSTONE NATIONAL PARK,
OFFICE OF SUPERINTENDENT,
Yellowstone Park, Wyo., January 17, 1912.

The SECRETARY OF THE INTERIOR,
Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, transmitting copy of bill (H. R. 14475) appropriating \$50,000 for the improvement of the East and South Roads into Yellowstone Park, together with copy of a letter from Hon. F. W. MONDELL in relation thereto, and after conferring with the United States Engineer Department in the park and securing notes on the roads in question the following is submitted:

As to the East Road in the forest reserve:

The East Road, together with the bridges and culverts, were put in a fair condition of repair during the season of 1911. In the regular estimate for park roads for the fiscal year 1913, the sum of \$4,500 was included for improvement of this approach, but this amount was calculated to cover the necessary repairs to the road, bridges, and culverts only. To replace the bridges on the North Fork and Elk Creek Fork, as suggested by Mr. MONDELL, by new wooden bridges with concrete abutments would cost about \$12,000 additional. This road is used considerably by automobiles, and a few "turning-out" places constructed at frequent intervals along the narrow portion in the passes would add greatly to the safety of passing teams. Much in this line could be done for \$1,500. Total needed for East Road, \$18,000.

As to the South Road in the forest reserve:

From the southern boundary of the park to Moran, Wyo., a distance of 24 miles, and from Moran to Jackson, Wyo., 24 miles, the roads are in fair condition except that the bridges and culverts need repairing or replacing. From Moran to Dubois, Wyo., 70 miles, the bridges and culverts need repairing, and, in addition, if the road is to be made passable for automobiles the location must be changed in places in order to reduce the grades, and many small streams that are now forded by teams must be provided with bridges. I am informed that this part of the road is in very poor shape; that the grades in many places are excessive—20 to 40 per cent and even as high as 45 per cent in a few places. It is also stated that these grades could be reduced to 15 per cent without increasing the distance appreciably. In the annual estimate for roads and bridges in the park for 1913 the sum of \$1,500 was included for these 118 miles of road, but this was intended only to provide for a crew to go over them in the spring and make necessary repairs, and not for material improvement in the way of cutting down grades or supplying new bridges. The Engineer Department estimates that the necessary repairs could be made, the grades cut down to 15 per cent, and new bridges furnished where necessary, so that the road would be passable for automobiles for \$30,000.

This makes a total of \$48,000 needed for the East and South Roads if they are to be put in condition for automobile travel.

As to the necessity for and advisability of the enactment of the legislation contemplated in the bill, I can only say that the necessity is apparent if it is considered advisable to keep these roads open at all, and it is well known that the more excellent roads there are leading into the park the more popular and accessible the park becomes.

Very respectfully,

L. M. BRETT,

Lieutenant Colonel First Cavalry, Acting Superintendent.

My amendment is drawn for the purpose of providing for the improvements and betterments which the superintendent of the park has recommended. The east and south roads are the most picturesque public roads in the United States. One of them passes through the famous Jacksons Hole country into the park from the south. The other passes into the park from the east, through the Hoodoo Mountain country, past the great Shoshone Dam, the highest in the world; and it is probably the finest 60 miles of road in America, built under appropriations carried in the sundry civil bill and repaired under appropriations carried in this bill.

There is no other way in which the improvements of these roads can be continued except by an item in this bill. For a considerable distance the roads pass through forest reserves. That does not change their character; they are a part of the system of park roads, and appropriations for park roads will be used to a certain extent on these roads. But there is an urgent necessity for improvement of the portion of these roads that lie in the forest reserves. Therefore I have drawn the amendment so it will be in addition to the general appropriation for park roads, but still an appropriation for park roads, and therefore not subject to a point of order.

Mr. SHERLEY. Mr. Chairman, on page 63 in this bill is a provision, under the head of Yellowstone National Park, for the maintenance and repair of improvements, \$70,000, which would be the only point, if any point in the bill, where the gentleman's amendment would be in order. But the fact that there has been in this bill in the past various items for the improvement of roads through the forest reserve in Yellowstone Park, while it speaks a good deal for the zeal and diligence of the gentleman in getting appropriations, it does not, in any sense, show the law for the provision.

There is carried now half a million dollars in the agricultural bill for the purpose of improving roads through the forest reserve. It has never been held that any law exists authorizing in this bill such an item, and the gentleman has cited no authority, but simply made the statement that this was in order, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I offer an amendment striking out the words "through the forest reserve."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 106, after line 9, insert the following:

"For the improvement and repair of the eastern and south roads in the Yellowstone National Park, \$50,000."

Mr. SHERLEY. Mr. Chairman, I make the point of order on two grounds; one is, that there is nothing to show that these roads are in the national park, and therefore in order, and the other is that if in order on this bill it would only be in order on page 63 of the bill, where there is provision made under the War Department. The building of roads and the improvement of roads is not under the Department of the Interior, but under the War Department.

The CHAIRMAN. The Chair is of the opinion that the words stricken out do not relieve it from being subject to the point of order. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I would like to be heard. The east road has been so known for years—

Mr. SHERLEY. Mr. Chairman, the Chair having ruled, I demand the regular order.

Mr. MONDELL. I understood that the Chair desired further information. The gentleman said there was nothing in the appropriation to indicate that the roads are in the park. But the gentleman knows that the roads are in the park. East road, I was going to explain to the Chair, begins at the outlet of the Yellowstone Lake, crosses the Yellowstone River on a bridge built under an appropriation identical in language to this, extends from that point easterly through Silver Pass to the eastern border of the park, and thence through the forest reserve. The south road begins at Yellowstone Lake and extends south to the southern boundary of the park, just above Jackson Lake. These roads are a part of the park system. It is true that they extend beyond the boundaries of the park, and if this item were adopted there could be no part of the appropriation used outside of the park, the fact still remains that it would be available for the part of the road within the park, and the gentleman will not deny that the eastern and south roads are within the park as I have stated. They are a part of the park system of roads and are within the Yellowstone Park.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Crater Lake National Park, Oreg.: For protection and improvement of the Crater Lake National Park and repairing and extension of roads, \$3,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 107, line 9, add as additional sentence the following:

"For the construction of a wagon road and necessary bridges through the Crater Lake National Park, Oreg., in accordance with the recommendations contained in the report of the War Department, published as House Document 328, Sixty-second Congress, second session, for the commencement of such improvements, \$50,000."

Mr. HAWLEY. Mr. Chairman, this amendment is offered pursuant to a survey authorized in the sundry civil bill of 1910 to provide for a system of roads, to make available the natural beauties of this park. The counties on either side of the park have constructed roads through their own lands up to the Government possessions, and these roads are good and efficient roads.

I left Medford one day in an automobile, traveled 84 miles, climbed more than 5,000 feet into the air in less than eight hours' time, and part of the road was new construction. That proves the character of the county roads.

This park is in the southern part of the State of Oregon. It is within 6 miles of the present extension of the Southern Pacific Railroad, and on what will be the main line from San Francisco to Portland, Oreg. It has in it inefficient roads. A large number of people visit the park every year, and a great many more desire to do so if they could get from one side of the mountains to the other side through the park.

The lake itself is located in the ruin of an old volcano. Mount Mazama was formerly a mountain of some 15,000 feet elevation. Some six or seven thousand feet of the top of the mountain have been blown out or have dropped down in some great convulsion of nature, leaving a cavity 4,000 feet deep. This cavity is half full of water, the water being 2,000 feet deep. The surface of the lake is 6,177 feet above the surface of the ocean. The highest point of the rim is about 2,000 feet above the level of the lake—8,000 feet above the surface of the ocean. The lake is about five and a half miles in diameter and covers 22 square miles in area.

The painting exhibited here was made by Miss M. Russell and shows the western portion of the lake, and is an excellent representation of the lake and the western rim. Maj. Morrow, who made the survey, said the lake is the most magnificent sight he has ever seen in his life.

I think that is the unvarying opinion of all who have seen the place. The counties on either side have made the park available as far as they can. They have constructed their roads up to where the Government lands begin. The War Department made the survey authorized in the document referred to. It has recommended a system of roads, including a road around the rim of the crater. From the very highest point of the rim you can not only overlook the lake, but see as well several eternal snow-clad mountains, great valleys on the east, and also one of the most magnificent of our western forests.

During the San Francisco exposition a very large number of people will desire to see what there is in the West in the line of scenic grandeur. The \$50,000 I am asking for will put the roads in such condition that the people who go from the railroads can reach the rim of the lake and then return to the railroad or go through to the Southern Pacific line across the mountain. It is said that thousands of our people visit Europe every year, and expend in seeing the parks and grandeurs of

the mountains and lakes of Europe millions of dollars. They are not attracted to travel through this country to see what there is to be seen here, because of the inaccessibility of our places of natural beauty. A few hundreds or thousands of dollars, making these places reasonably available, will cause thousands and tens of thousands of our people to visit these parks and to expend in this country the millions of dollars they now expend in Europe. Better than all that, however, it will give them an opportunity to inform themselves of what the United States contains.

I hope the committee will see fit to grant this moderate amount that I have asked. [Applause.]

I earnestly urge upon the Committee of the Whole the adoption of this amendment. It is based upon the report of the engineers of the United States Army. It proposes a system of roads and other improvements so that visitors can secure access to the park and the places of interest in it. These improvements are similar to those made in other national parks. The park can be approached both from the east and west sides, and the construction of the Southern Pacific Railroad to Klamath Falls, and its northward extension will make access to the park comparatively easy. Inside the park are most beautiful and comfortable camping places, with abundant pure water, fuel, and grass. Hotels are being operated and enlarged for transient visitors. But the great hindrance to the use of the park and the enjoyment of the places of beauty and grandeur contained in it is the lack of roads within the park. Our European neighbors have made their wonders of nature accessible by systems of roads, and have found such improvements to be very profitable investments. The United States has done comparatively little in making our wonders of nature accessible.

Large numbers of our people desire to "see America first," but until necessary improvements are made they are precluded from doing so, both on account of inaccessibility and prohibitive cost. It would be of incalculable value to this country if its people could freely visit its places of great natural interest; and when this park is made readily accessible it will become one of the most famous and most frequently visited of our places of scenic grandeur.

It is impossible to adequately describe the wonders of nature in this park, chiefest of which is Crater Lake. It is one of the places that must be seen to be even faintly appreciated.

GEOLOGICAL HISTORY OF CRATER LAKE, OREG.

(By J. S. Diller, United States Geological Survey.)

"Of lakes in the United States there are many and in great variety, but of crater lakes there is but one of great importance. Crater lakes are lakes which occupy the craters of volcanoes or pits (calders) of volcanic origin. They are most abundant in Italy and Central America, regions in which volcanoes are still active; and they occur also in France, Germany, India, Hawaii, and other parts of the world where volcanism has played an important rôle in its geologic history.

"The one in the United States belongs to the great volcanic field of the Northwest. Crater Lake of southern Oregon lies in the very heart of the Cascade Range, and, while it is especially attractive to the geologist on account of its remarkable geologic history, it is equally inviting to the tourist and others in search of health and pleasure by communion with the beautiful and sublime in nature. By the act of May 22, 1902, a tract around this lake having an area of 159,360 acres was set aside as a national park.

"According to W. G. Steel (The Mountains of Oregon, by W. G. Steel, 1890, p. 13) the lake was first seen by white men in 1853. It had long previously been known to the Indians, whose legends have contributed a name, Llao Rock, to one of the prominences of its rim. They regarded the lake with awe as an abode of the Great Spirit. Prospectors were the earliest explorers of the lake. (The discovery and early history of Crater Lake, by M. W. Gorman, Mazama, Vol. I, No. 2, Crater Lake number, 1897, 159 pages. This number contains much valuable information concerning Crater Lake in addition to that referred to.) The first travelers of note who visited the lake were Lord Maxwell and Mr. Bentley, who in 1872, with Capt. O. C. Applegate, of Modoc War fame, and three others, made a boat trip along its borders and named several of the prominences on the rim after members of the party. (The names Watchman, Glacier, Llao, and Vidæ, which appear on the map of the lake, have been adopted by the United States Board on Geographic Names.) Mrs. F. F. Victor saw the lake in 1873, and briefly describes it in Atlantis Arisen. (Atlantis Arisen, by Mrs. Francis Fuller Victor, p. 179.) The same year Mr. S. A. Clarke gave an interesting account of the lake in the December number of the Overland Monthly.

"The first Geological Survey party visited the lake in 1883, when Everett Hayden and the writer, after spending several days in examining the rim, tumbled logs over the cliffs to the water's edge, lashed them together with ropes to make a raft, and paddled over to the island. In 1886, under the direction of Capt. C. E. Dutton, many soundings of the lake were made by W. G. Steel, and a topographic map of the vicinity was prepared by Mark B. Kerr and Eugene Ricksecker. Dutton was the first to discover the more novel and salient features in the geological history of the lake, of which he has given from his entertaining pen an all too brief account. (Science, Vol. VII, 1886, pp. 179-182, and Eighth Annual Report of the United States Geological Survey, pp. 156-159.)

"Under the inspiration of the 'Mazamas,' a society of mountain climbers at Portland, Oreg. (The National Geographic Magazine, Vol. VIII, 1897, p. 58), a more extended study of the lake was made by the Government parties from the Department of Agriculture, the Fish Commission, and the Geological Survey. (Crater Lake National Park, United States Geological Survey Professional Paper, No. 3, 1902, 167 pages, 13 plates, by J. S. Diller and H. B. Patton.)

"Crater Lake is deeply set in the summit of the Cascade Range, about 65 miles north of the California line. It may be reached by two routes, one from the Southern Pacific Railroad at Medford or Ashland on the west, and the other from the Southern Pacific at Klamath Falls or Big Spring on the east. Ashland and Medford are in Rogue River Valley, which marks the line between the Klamath Mountains of the Coast Range on the west and the Cascade Range on the east. The journey from Medford by private conveyance 80 miles to Crater Lake affords a good opportunity to observe some of the most important features of this great pile of lavas. The Cascade Range in southern Oregon is a broad, irregular platform, terminating rather abruptly in places upon its borders, especially to the westward, where the underlying Cretaceous and Tertiary sediments come to the surface. It is surmounted by volcanic cones and coulees, which are generally smooth, but sometimes rough and rugged. The cones vary greatly in size and are distributed without regularity. Each has been an active volcano. The fragments blown out by violent eruption have fallen upon the volcanic orifices from which they issued and built up cinder cones. From their bases have spread streams of lava (coulees), raising the general level of the country between the cones. From some vents by many eruptions, both explosive and effusive, large cones, like McLoughlin, Shasta, and Hood, have been built up. Were we to examine their internal structure, exposed in the walls of the canyons carved in their slopes, we should find them composed of overlapping layers of lava and volcanic conglomerate, a structure which is well illustrated in the rim of Crater Lake.

"The journey from Ashland by the Dead Indian road crosses the range where the average altitude is less than 5,000 feet. The road passes within a few miles of Mount McLoughlin and skirts Pelican Bay of Klamath Lake, famous for its fishing. After following northward for some 20 miles along the eastern foot of the range, it ascends the eastern slope, along the castled canyon of Anna Creek, to the rim of Crater Lake.

"From Medford or Gold Hill the trip is a trifle shorter by the Rogue River road. It affords some fine views of the canyons and rapids of that turbulent stream and of the high falls, where it receives its affluents. Striking features along both roads, within 20 miles of the lake, are the plains developed upon a great mass of detritus filling the valleys. Across these plains Anna Creek and Rogue River have carved deep, narrow canyons, with finely sculptured walls, which the roads follow for some distance.

"With the completion of the railroad on the east the approach to the lake was greatly facilitated. Leaving the railroad near Klamath Falls, a small steamer crosses Upper Klamath Lake and connects with automobile stages to the lake.

"Within the park, approaching the lake from any side, the observer sees a broad cluster of gentle peaks rising about a thousand feet above the general crest of the range on which they stand, but not until after he has left the main road, 3 miles from the lake, does he begin to feel the steepness of the ascent. The way winds over a large moraine littered with lava boulders and well studded with firs. Arriving at the crest, the lake in all its majestic beauty comes suddenly upon the scene, and is profoundly impressive. Descending the wooded slope a short distance within the rim to Victor Rock, an excellent general view of the lake is obtained. Upon the left is the western border of the lake and upon the right its southern border. The eye beholds 20 miles of unbroken cliffs, ranging from over 500 to nearly 2,000 feet in height, encircling a deep blue sheet of placid

water, in which the mirrored walls vie with the originals in brilliancy and greatly enhance the depth of the prospect.

"The first point to fix our fascinated gaze is Wizard Island, lying nearly 2 miles away, near the western margin of the lake. Its irregular western edge and the steep but symmetrical truncated cone in the eastern portion are very suggestive of volcanic origin. We can not, however, indulge our first impulse to go at once to the island, for the various features of the rim are of greater importance in unraveling the earlier stages of its geological history.

"The outer and inner slopes of the rim are in strong contrast; while the one is gentle, ranging in general from 10° to 15°, the other is abrupt and full of cliffs. The vertical interval of the contours is 50 feet. Upon the inner slope the contours are crowded close together to show a slope so steep that one needs to travel but a little way to descend 50 feet, while upon the outer slope the contours are so far apart that to descend 50 feet one needs to travel a considerable portion of a mile. The outer slope at all points is away from the lake, and as the rim rises at least 1,000 feet above the general summit of the range, it is evidently the basal portion of the great hollow cone in which the lake is contained.

"In addition to the strong contrast between the outer and inner slopes of the rim the map shows the occurrence of a number of small cones upon the outer slope of the great cone. These adnate cones are of peculiar significance when we come to consider the volcanic rocks of which the region is composed. The rim is ribbed by ridges and spurs radiating from the lake, and the head of each spur is marked by a prominence on the crest of the rim. The variation in the altitude of the rim crest is 1,456 feet (from about 6,700 at Kerr Notch to 8,156 feet at Glacier Peak) with seven points rising above 8,000 feet. The crest generally is passable, so that a pedestrian may follow it continuously around the lake, with the exception of short intervals about the notches in the southern side. At many points the best going is on the inner side of the crest, where the open slope, generally well marked with deer trails over beds of pumice, affords an unobstructed view of the lake.

"Reference has already been made to the glacial phenomena of the outer slope of the rim. There are scattered boulders upon the surface, and also in piles of glacial moraine, which contain besides boulders much gravel and sand. Such glacial drift is spread far and wide over the southern and western portion of the rim, extending down the watercourses in some cases for miles to broad plains, through which the present streams have carved the deep and picturesque canyons already observed on the ascent. At many points the lavas are well rounded, smoothed, and striated by glacial action. This is true of the ridges as well as of the valleys, and the distribution of these marks is coextensive with that of the glacial detritus.

"A feature that is particularly impressive to the geologist making a trip around the lake on the rim crest is the general occurrence of polished and striated rocks in place on the very brow of the cliff overlooking the lake. The best displays are along the crest for 3 miles northwest of Victor Rock, but they occur also on the slopes of Liao Rock, Roundtop, Kerr Notch, and Eagle Crags, thus completing the circuit of the lake. On the adjacent slope toward the lake the same rocks present rough fractured surfaces, showing no striæ. The glaciation of the rim is a feature of its outer slope only, but it reaches up to the very crest. The glaciers armed with stones in their lower parts, that striated the crown of the rim, must have come down from above, and it is evident that the topographic conditions of today afford no such source of supply. The formation of glaciers requires an elevation extending above the snow line to afford a gathering ground for the snow that it may accumulate, and under the influence of gravity descend to develop glaciers lower down on the mountain slopes. During the glacial period Crater Lake did not exist. Its site must then have been occupied by a mountain to furnish the conditions necessary for the extensive glaciation of the rim, and the magnitude of the glacial phenomena indicates that the peak was a large one, rivaling, apparently, the highest peaks of the range.

"The Mazamas held a meeting in August, 1896, at Crater Lake in connection with the Crater Lake clubs of Medford, Ashland, and Klamath Falls, of the same State. Recognizing that the high mountain which once occupied the place of the lake was nameless they christened it, with appropriate ceremonies, Mount Mazama. The rim of the lake is a remnant of Mount Mazama, but when the name is used in this paper reference is intended more especially to that part which has disappeared.

"The inner slope of the rim, so well in view from Victor Rock, although precipitous, is not a continuous cliff. It is made up of many cliffs whose horizontal extent is generally much greater

than the vertical. The cliffs are in ledges, and sometimes the whole slope from crest to shore is one great cliff, not absolutely vertical, it is true, but yet at so high an angle as to make it far beyond the possibility of climbing. Dutton Cliff on the southern and Llao Rock on the northern borders of the lake are the greatest cliffs of the rim. Besides cliffs, the other elements of the inner slope are forests and talus, and these make it possible at a few points to approach the lake, not with great ease but yet, care being taken, with little danger. Southwest of the lake the inner slope, clearly seen from Victor Rock, is pretty well wooded, and from near the end of the road, just east of Victor Rock, a steep trail descends to the water. Where fresh talus slopes prevail there are no trees, and the loose material maintains the steepest slope possible without sliding. Such slopes are well displayed along the western shore opposite the island and near the northeast corner of the lake under the Palisades. At this point the rim is only 575 feet high, and a long slide, called from its shape the Wineglass, reaches from crest to shore.

"The best views of the rim are obtained from a boat on the lake, which affords an opportunity to examine in detail the position and structure of the cliffs. They are composed wholly of volcanic conglomerate and streams of lava arranged in layers, as shown in figure 12, that dip into the rim and away from the lake on all sides. Both forms of volcanic material are well exposed on the trail descending the inner slope, and, although most of the cliffs are of lava, many are of conglomerate.

"On arriving at the water's edge the observer is struck with the fact that there is no beach. The steep slopes above the surface of the lake continue beneath its waters to great depths. Here and there upon the shore, where a rill descends from a melting snow bank near the crest, a small delta deposit makes a little shallow, turning the deep-blue water to pale green.

"As the boat skirts the western shore and passes toward Llao Rock the layered structure of the rim is evident, although it is fairly well illustrated on all sides. On the whole the lava streams predominate, although there is much conglomerate. Of all the flows exposed upon the inner slope that of Llao Rock is most prominent and interesting. In the middle it is over 1,200 feet thick and fills an ancient valley down the outer slope of the rim. Upon either side it tapers to a thin edge against the upper slope of the valley. To the lake it presents a sheer cliff—that is, it is abruptly cut off—and one wonders how much farther it may have extended in that direction. Beneath the rock the outline of the valley in cross section is evident. It rests upon pumice and many layers of older lavas, forming the rim down to the water's edge. The direction of flow in this great lava stream forces us to believe that it was erupted from a large volcano which once stood upon the site of the lake. Every layer of lava in the rim is a coulee, dipping away from the lake. This is especially well shown in the canyon of Sun Creek, cut in its outer slope. The sections of these radiating flows exposed upon the inner slope of the rim all tell the same story as to their source. By projecting the lavas in their course toward a common center we can reconstruct in fancy the great volcano, Mount Mazama, which once occupied the place of the lake, and, like Shasta or Rainier, formed a great landmark of the region.

"Proceeding eastward from Llao Rock the rim loses somewhat in height, and at the head of Cleetwood Cove one sees the remarkable spectacle of a lava stream descending the inner slope of the rim. It is the only one that has behaved in this way, and its action throws much light upon the disappearance of Mount Mazama.

"The Palisades are less than 600 feet in elevation above the lake, and are composed almost wholly of one great flow. The streams of lava extending northeast from this portion of the rim are broad and much younger in appearance than those forming the great cliffs south of the lake, where the flows are thinner and more numerous.

"Roundtop is a dome-shaped hill over the eastern end of the Palisades, and is made up chiefly of the lava stream that formed the Palisades, overlain by two sheets of pumice separated by a layer of dacite. The upper surface of the Palisade flow, where best exposed upon the lakeward slope of Roundtop, bears glacial striae, that extend beneath the layers of pumice and dacite of later eruption from Mount Mazama. It is evident from this relation that Mount Mazama was an active volcano during the glacial period. The occurrence of eruptions from a snowcapped volcano must necessarily produce great floods, and these conditions may account in some measure at least for the detritus-filled valleys of the streams rising on the rim of Crater Lake.

"Returning from this glacial digression to the boat trip on the lake, it is observed upon the eastern side of the lake that Redcloud Cliff is rendered beautiful by the pinnacles of reddish

tuff near the summit, where it is capped by a great, dark flow of dacite, filling a valley in the older rim and extending far to the northeast. Here the springs begin to gush from the inner slope and cascade their foaming rills to the lake. They recur at Sentinel Rock, Dutton Cliff, and especially under Eagle Crags, as well as farther westward. Their sources in many cases can be seen in the banks of snow above, but in others they gush forth as real springs, whose water must find its way in from the snow upon the outer slope.

"The boldest portion of the rim, excepting perhaps Llao Rock, is Dutton Cliff, which is made more impressive by the deep U-shape notches on either side. The notches mark points where the canyons of Sun and Sand Creeks pass through the rim to the cliff overlooking the lake. These canyons, due to erosion on lines of drainage, belong to the period when the topographic conditions in that region were quite unlike those of to-day. They were carved out by streams of ice and water descending from a point over the lake, and their presence, ending as they do in the air hundreds of feet above the present water level, affords strong evidence in favor of the former reality of Mount Mazama.

"The Phantom Ship is a craggy little islet near the border of the lake under Dutton Cliff. Its rugged hull, with rocks towering like the masts of a ship, suggests the name, and, phantom like, it disappears when viewed in certain lights from the western rim. Standing in line with an arête that descends from an angle of the cliff, it possibly marks a continuation of the sharp spur beneath the waters, or perhaps, but much less likely, it is a block slid down from the cliff. Whatever its history, it attracts everyone by its beauty and winsomeness.

"At times of volcanic eruption the lava rises within the volcano until it either overflows the crater at the top or, by the great pressure of the column, bursts open the sides of the volcano and escapes through the fissure to the surface. In the latter case, as the molten material cools, the fissure becomes filled with solid lava and forms a dike. The best example of this sort about Crater Lake appears along the inner slope directly north of Wizard Island, and is locally known as the Devils Backbone. It is shown in figure 5 across the left end of Wizard Island, and in figure 18 a nearer view from the island itself. This dike rock, standing on edge, varies from 5 to 25 feet in thickness and cuts the rim from water to crest. Dikes are most numerous in the older portion of the rim under Llao Rock. They do not cut up through Llao Rock, and are clearly older than the lava of which that rock is formed. Dikes occur at intervals all around the lake and radiate from it, suggesting that the central volcanic vent from which they issued must have been Mount Mazama.

"There is another important feature concerning the kinds of volcanic rocks and their order of eruption and distribution about the rim of Crater Lake, as shown on the accompanying reconnaissance map, figure 13, that is of much interest to the geologist. All the older lavas comprising the inner slope of the rim, especially toward the water's edge, are andesites. The newer ones, forming the top of the rim in Llao Rock, Pumice Point, Roundtop, and the Rugged Crest about the head of Cleetwood Cove as well as at Cloudcap, are dacites. Other later flows, all of which escaped from the smaller adnate cones upon the outer slope of the rim, are basalts. The eruptions began with lavas containing a medium amount of silica (andesites), and after long-continued activity lavas both richer (dacites) and poorer (basalts) in silica follow, giving a completeness to the products of this great volcanic center that make it an interesting field of study. Furthermore, the remarkable opportunity afforded by the dissected volcano for the examination of its structure and succession of lavas is unsurpassed. It should be stated, before dismissing the kinds of lava, that there are some dacites in the Sun Creek Canyon south of the lake that appear to be older than those upon the north side, and that the final lava of the region on Wizard Island is andesite.

"The glaciation and structure of the rim clearly establish the former existence of Mount Mazama, but there may well be doubt as to its exact form and size. Judging from the fact that Mount Shasta and the rim of Crater Lake have the same diameter at an altitude of 8,000 feet, and that their lavas are similar, it may with some reason be inferred that Mount Mazama and Mount Shasta were nearly of equal height. The slopes of Mount Shasta may be somewhat steeper than those of the rim of Crater Lake at an equal altitude, but the glaciation of the rim is such as to require a large peak for its source. A restoration of Mount Mazama based on a photograph of the rim of Crater Lake as seen from the southwest is shown in figure 20.

"Wonderful as the lake, encircled by cliffs, may be, it serves but to conceal in part the greatest wonder; that is, the enormous pit or caldera which is half filled by the lake. The caldera is 4,000 feet deep. An impressive illustration of it is seen in figure 21, which was prepared from a photograph of a model of Crater Lake now in the United States National Museum. The water surface is represented by glass, so that one may see through to the bottom and get the full impression of the depth of this tremendous hole in the ground. It extends from the top of the rim, which is the very summit of the Cascade Range, halfway down to the sea level, and nearly a square mile of its bottom is below the level of Upper Klamath Lake at the eastern foot of the range. The volume of the caldera is nearly a dozen cubic miles, and if we add the volume of the lost Mount Mazama that amount would be increased by at least one-half. How was it possible to remove so large a mass and in process develop so great a depression?"

"The caldera is completely inclosed, so that it can not be regarded as an effect of erosion. The volcanic origin of everything about the lake would suggest in a general way that this great revolution must have been wrought by volcanism, either blown out by a great volcanic explosion or swallowed up by an equally great engulfment. It is well known that pits have been produced by volcanic explosions, and some of them are occupied by lakes of the kind usually called crater lakes. Depressions produced in this way, however, are, with rare exceptions, surrounded by rims composed of the fragmental material blown out from the depression.

"At first sight the rim about Crater Lake suggests that the caldera was produced by an explosion, and the occurrence of much pumice in that region lends support to this preliminary view; but on careful examination we find, as already stated, that the rim is not made up of fragments blown from the pit, but of layers of solid lava interbedded with those of volcanic conglomerate erupted from Mount Mazama before the caldera originated. The moraines deposited by glaciers descending from the mountain formed the surface around a large part of the rim, and as there is no fragmental deposits on these moraines, it is evident that there is nothing whatever to indicate any explosive action in connection with the formation of the caldera.

"We may be aided in understanding the possible origin of the caldera by picturing the conditions that must have obtained during an effusive eruption of Mount Mazama. At such a time the column of molten material rose in the interior of the mountain until it overflowed at the summit or burst open the sides of the mountain and escaped through fissures. Fissures formed in this way usually occur high on the slopes of the mountain. If instead, however, an opening were effected on the mountain side at a much lower level—say some thousands of feet below the summit—and the molten material escaped, the mountain would be left hollow, and the summit, having so much of its support removed, might cave in and disappear in the molten reservoir.

"Something of this sort is described by Prof. Dana as occurring at Kilauea, in Hawaii. The lake in that case is not water, but molten lava, for Kilauea is yet an active volcano. In 1840 there was an eruption from the slopes of Kilauea, 27 miles distant from the lake and over 4,000 feet below its level. The column of lava represented by the lake of molten material in Kilauea sank away in connection with this eruption to a depth of 385 feet, and the floor of the region immediately surrounding the lake, left without support, tumbled into the depression. In the intervals between eruptions the molten column rises again toward the surface, only to be lowered by subsequent eruptions, and the subsidence is not always accomplished by an outflow of lava upon the surface. Sometimes, however, it gushes forth as a great fountain a hundred feet or more in height.

"The elevated position of the great caldera occupied by Crater Lake makes its origin by subsidence seem the more probable. The level of the lowest bed of the lake reaches the surface within 15 miles down the western slope of the range. That Mount Mazama was engulfed is plainly suggested by the behavior of its final lava stream. The greater portion of this last flow descended and spread over the outer slope of the rim, but from the thickest part of the flow where it fills an old valley at the head of Cleetwood Cove some of the same lava, as already noted, poured down the inner slope. The only plausible explanation of this phenomena seems to be that soon after the final eruption of Mount Mazama, and before the thickest part of the lava effused at that time had solidified, the mountain collapsed and sank away and the yet viscous portion of the stream followed down the inner slope of the caldera. It

should be observed also that the lava stream collapsed and formed Rugged Crest.

"It has been suggested, but perhaps not in serious thought, that the cone on Wizard Island may represent the summit of the sunken Mount Mazama projecting above the water. To determine the truth of the matter we must cross over to the island. Wizard Island has two portions—an extremely rough lava field and a cinder cone. These parts may be distinguished in a view of the island from the Watchman, but are more distinct in an illustration as seen from the lake. Only a small portion of the lava field is shown in the foreground. The lava is dark and has a much more basaltic look than any seen in the main body of the rim. It has evidently been erupted from the base of the cinder cone in its present position. The cinder cone, too, is a perfect little volcano, with steep symmetrical slopes 763 feet in height, and surmounted by a crater 80 feet deep. It is so new and fresh that it is scarcely forested, and shows no trace of weathering. Instead of being a part of the sunken Mount Mazama, it is an entirely new volcano built up by volcanic action upon the bottom of the caldera since the subsidence. Were it not for the lake the whole bottom of the caldera could be examined, and it is possible that other small volcanic cones might be found. This suggestion is borne out by the soundings of the lake, which appear to reveal two other cases, but they do not rise to within 400 feet of the surface of the water. It is evident that the volcanic eruptions upon the bottom of the caldera have partially filled it up. Originally it may have been much more than 4,000 feet deep.

"Given the caldera with water-tight walls, there is no difficulty in forming Crater Lake, for in that region precipitation is greater than evaporation. Extensive observations upon precipitation and evaporation have not been made at Crater Lake, but, judging from those made at nearest points, the annual precipitation should be between 60 and 70 inches, while the annual evaporation is about 46 inches. The average diameter of the lake is nearly 5 miles. Its area, including Wizard Island, is about 21.30 square miles. The drainage area inclosed by the rim of the lake, according to Mr. E. C. Barnard, is 27.48 square miles. During the winter great masses of snow drift within the rim, and thus considerably augment the normal precipitation of the lake. The lake does not fill up and overflow. The surplus water must have a subterranean outlet, probably toward the southeast, where the region is traversed by extensive breaks in the rocks, and abounds in excellent springs.

"The color of the lake is deep blue, excepting along the borders, where it merges into various shades and tints of green. It is so transparent that even on a hazy day a white dinner plate 10 inches in diameter may be seen at a depth of nearly 100 feet. The fish it contains have been introduced. A small crustacean flourishes in its waters, and salamanders occur in abundance locally along the shore.

"The level of the lake oscillates with the seasons. During the rainy winter it rises, and in the summer it falls. In August, 1896, observations were made for 22 days, and the lake sank at the rate of 1 inch for every five or six days, depending somewhat on the conditions of the weather. The Mazamas have established a water gauge, and it was hoped that an extended series of observations would be obtained, but the ice broke it off the next winter. The annual oscillation of the lake is about 4 feet.

"The temperature of Crater Lake has been the subject of considerable investigation. While the earlier observations appeared to indicate that the lake received heat from its bottom, later observations show that the temperature of the lake everywhere below a depth of 300 feet is approximately 39° and the bottom contains no appreciable volcanic heat.

"Aside from its attractive scenic features, Crater Lake affords one of the most interesting and instructive fields for the study of volcanic geology to be found anywhere in the world. Considered in all its aspects, it ranks with the Grand Canyon of the Colorado, the Yosemite Valley, and the Falls of Niagara, but with an individuality that is superlative."

The following letter from the Acting Secretary of War explains the feasibility of the proposed improvement:

WAR DEPARTMENT,
Washington, December 18, 1911.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith a letter from the Chief of Engineers, United States Army, dated 16th instant, together with a report from Maj. J. J. Morrow, Corps of Engineers, dated November 21, 1911, with maps, of a survey, with plans and estimates, for roads and trails in Crater Lake National Park, Oreg., made by him in compliance with a provision contained in the sundry civil act of June 25, 1910.

Very respectfully,

ROBERT SHAW OLIVER,
Acting Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 16, 1911.

The SECRETARY OF WAR.

SIR: I have the honor to submit herewith, for transmission to Congress, a report by Maj. J. J. Morrow, Corps of Engineers, made in compliance with the following provisions of the sundry civil act of June 25, 1910:

"Crater Lake National Park: For surveying, locating, and preparing plans and estimates for roads and trails in Crater Lake National Park, Oreg., and to cover all expenses incident thereto, to be expended under the direction of the Secretary of War, \$10,000."

Maj. Morrow estimates the cost of the proposed system of roads and trails at \$642,000, with an additional \$65,000 for a system of tanks and water-supply pipes to provide for sprinkling. The estimated cost of maintenance, including sprinkling, is estimated at \$20,000 annually. He recommends that if the work be undertaken an initial appropriation of \$100,000 be made to provide plant, shelter, buildings, and construction. Under the plans proposed by Maj. Morrow it is anticipated that the more important roads would be completed in three or four working seasons; the balance of the system in about seven years.

No estimate of funds for this work was made by the Engineer Department in its annual estimates this year. If Congress should decide to adopt the project, it is recommended that, as recommended by Maj. Morrow, the first appropriation be not less than \$100,000, to be followed by others annually with a view to completion in seven years.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

UNITED STATES ENGINEER OFFICE, FIRST DISTRICT,
Portland, Oreg., November 21, 1911.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

SIR: I have the honor to submit the following report on survey, plans, and estimates for roads and trails in Crater Lake National Park. The sundry civil appropriation act approved June 25, 1910, contained an item in the following language:

"Crater Lake National Park: For surveying, locating, and preparing plans and estimates for roads and trails in Crater Lake National Park, Oreg., and to cover all expenses incident thereto, to be expended under the direction of the Secretary of War, \$10,000."

The duty of making this survey was assigned to this office July 15, 1910. Two field parties were organized and sent into the park about the middle of August, 1910, and continued the work until October 6, when further field work was interrupted by the first heavy fall of snow.

The field work was in charge of Junior Engineer H. L. Gilbert. Each party consisted of 1 transitman, 1 levelman, 1 topographer, 2 assistant topographers, 1 draftsman, 1 rodman, 2 chainmen, 1 back flagman, and 1 cook.

The method of the survey was that of a preliminary railroad survey. Control was by azimuth checked by frequent observations of the sun. Y levels were used and bench marks set about every half mile, using United States Geological Survey datum and bench marks. The transit line was referenced at about 1 mile intervals. Topography was taken on both sides of the line to develop a strip within which the final location would fall. Grades sought were maximum of 6 per cent for long distances, 8 per cent for fair distances, and 10 per cent rarely, and only for short distances. Least radius of curvature sought was 50 feet. Discharge measurements were made of springs and creeks within practicable reach of the road location.

The first season's work covered in all about 50 miles of preliminary lines and completed all survey work contemplated excepting about 6 miles of the 36-mile road encircling the lake, the 5 miles of road to the Pinnacles, and the 4 miles of road to the eastern boundary of the park. During the season just closed one party, constituted as each of the parties of the preceding season, was sent into the park in July, under the direction of Junior Engineer W. G. Carroll, and finished the work in about one month of field work.

In the office, after return of the field party, each season, all transit lines were computed and platted to a scale of 1/2400, the location was profiled, and preliminary estimates were made. The finished location was also platted on a map of the park to scale of 1/48000.

DESCRIPTION OF THE PARK AND ROADS DESIRED.

A complete description of Crater Lake Park is found in Professional Papers, No. 3, Department of the Interior, United States Geological Survey, entitled "The geology and petrography of Crater Lake National Park," by J. S. Diller and H. B. Patton: Government Printing Office, 1902.

Briefly, Crater Lake National Park was made a national park by the act of Congress of May 22, 1902. It is about 18 miles north and south by about 13½ miles east and west, and contains 249 square miles. It lies roughly about halfway between Portland, Oreg., and San Francisco, Cal., and about 50 to 60 miles east of the present main line of the Southern Pacific Railroad between those two cities, but not more than 10 miles west of the proposed new main line of the same road, known popularly as the Natron cut-off.

The park is now reached with considerable difficulty. The easiest method is by rail to Klamath Falls (about 88 miles from the main line), thence by boat to a landing on the shore of Upper Klamath Lake, whence the Crater Lake Co. operates an auto stage via Fort Klamath to their lodge on the rim of the crater (a run of about 30 miles). It may be reached by automobile from Klamath Falls or from Bend, Oreg., both approaching via Fort Klamath, or from Medford approaching from the west and about 100 miles distant. Upon the completion of the Natron cut-off the railroad will be within about 10 miles of the eastern boundary of the park, and a road will doubtless be at once constructed toward the lake along the valley of Bear Creek.

The roads now in the park are simple and crude. The headquarters of the superintendent, near the head of one fork of Anna Creek, is at the junction of the roads leading to Medford and to Fort Klamath. From this point about 5 miles of road follows up another fork of Anna Creek to the rim of the crater, just west of Garfield Peak. This road, especially the mile nearest the rim, is exceedingly tortuous and steep, some of the grades being nearly 30 per cent. All existing roads are improved only by sidehill excavation work, with occasional log revetments, are tortuous and narrow, and in the dry summer (the only season) become badly rutted, the soil being a light dry pumice. They are, however, extensively traveled by automobiles, the traffic showing a gradual increase as the beauty of the park becomes more widely known.

There are no other roads in the park and but few trails, those that exist being gradually developed by the superintendent of the park for use of his rangers in protection against forest fires.

The central and dominating feature of the park is the lake which partially fills the crater in the wrecked mountain. The following extracts from the Diller and Patton report describe it briefly:

"On the rim of Crater Lake there once stood a prominent peak to which the name Mount Mazama has been given. Mount Mazama is practically unknown to the people of Oregon, but they are familiar with Crater Lake, which occupies the depression that resulted from the wreck of the great peak. The remnant of Mount Mazama is most readily identified when referred to as the 'rim of Crater Lake.' The wrecking of Mount Mazama was the crowning even in the volcanic history of the Cascade Range, and resulted from a movement similar to that just noted in Mount Thielsen, but vastly greater in its size and consequences. This volcanic activity culminated in the development of a great pit or caldera, which for grandeur and beauty rivals anything of its kind in the world."

GENERAL FEATURES.

"The rim encircling Crater Lake, when seen from a distance from any side, appears as a broad cluster of gently sloping peaks rising about 1,000 feet above the general crest of the range on which they stand. The topographic prominence of Mount Mazama can be more fully realized when it is considered that it is close to the head of Rogue, Klamath, and Umpqua Rivers. These are the only large streams breaking through the mountains to the sea between the Columbia and the Sacramento, and their watershed might be expected to be the principal peak of the Cascade Range."

"To one arriving by the road at the crest of the rim the lake in all its majestic beauty appears suddenly upon the scene and is profoundly impressive. The eye beholds 20 miles of unbroken cliffs, the remnant of Mount Mazama, ranging from over 500 to nearly 2,000 feet in height, encircling a deep, blue sheet of placid water, in which the mirrored walls vie with the original slopes in brilliancy and greatly enhance the depth of the prospect. The lake is about 4½ miles wide and 6½ miles long, with an area of nearly 20½ square miles."

To supplement this brief description it may be added that the surface of the water on the lake is 6,177 feet above sea level, while the lowest point of the rim is over 500 feet higher. The rim at most points is 800 feet high, rising at some points much higher and almost sheer. Near the western margin of the lake rises Wizard Island, almost a perfect cone with a diminutive crater in its peak, about 800 feet above the water. The Phantom Ship, a small pinnacle of rock near the southeast shore, marks the only other break in the sheet of water, which is of great depth, at points reaching nearly 2,000 feet.

Other interesting features of the park are the canyons of Anna Creek (of which excellent views may be obtained from the existing road to Fort Klamath) and the similar canyon of Sand Creek, where the formation has been given the name of "The Pinnacles."

The only roads at present in the park are the two from Fort Klamath and from Medford, leading to the superintendent's headquarters and thence to the rim of the lake. There are numerous trails constructed by the Forest Service from time to time.

In preparing a plan for improvement, as directed by Congress, it was considered of paramount importance to design a road encircling the crater as near to its rim as topography would permit, in order that the lake might be viewed from all possible points. It was believed to be necessary to construct roads from the rim road to the two existing entrances, utilizing the present existing roads as much as possible, and to provide also for a road to the eastern boundary, as this will shortly be the principal entrance to the park. It was also deemed advisable to construct a road leading to The Pinnacles, which road could later be extended into a fourth entrance if desired. About 100 miles of trails are necessary to connect with existing Forest Service trails and provide additional ones. They would be useful to the Forest Service in coping with fires, as well as facilitating the exploration of the park by camping parties. Trails are needed at three points at least leading from the rim road to the surface of the lake. Along these lines the plans have been prepared.

The road around the lake is planned to cross the face of the Watchman, pass behind the Glacier Peak, return to the rim before again passing behind Liao Rock, thence following the rim fairly close until Cloud Cap is reached. It then passes successively behind the mountainous masses of the inside slopes of Mount Scott and Dutton Cliff, but returns to the rim again at Sun Creek Notch, from which point it recedes, passing behind Vidae and Garfield Peaks. It returns to the rim at the site of the present lodge of the Crater Lake Co., following the rim thence to the Watchman. The total length of the rim road is between 35 and 36 miles. A trail a little over a mile in length is provided for those desiring to leave the road to obtain the view from Kerr Notch.

From about this same point in the rim road a road is planned to reach The Pinnacles. Its length is about 5 miles.

At the base of Garfield Peak the road to the southern and western entrances is planned to leave the rim road. It is a little more than 3 miles in length to the present superintendent's headquarters, where it forks. There are 7 miles more to the Fort Klamath entrance and about 6½ miles to the Medford entrance. These roads all follow fairly close the existing roads.

From near Round Top the eastern entrance road is planned, following the valley of Bear Creek. It is a little over 4 miles in length.

The total length of all these roads is 61.7 miles. All are shown on the map submitted herewith.

About 100 miles of trails are planned, to enable campers to reach adjacent points, taking advantage of water and pasturage for their camp sites. These trails have not been surveyed, as it was deemed unnecessary to locate them any more definitely than they can be located on the map prepared by the Geological Survey two years ago.

The road has been designed to permit of automobile traffic. It is believed that a regulation excluding automobiles from Crater Lake Park would be a grave mistake, as even now, with the poor roads, nearly all the visitors reach the rim of the lake in this way. The park is within fairly easy access by motor of the numerous growing cities between Portland and San Francisco, and the approaches will gradually improve as the country becomes more thickly populated.

CLIMATIC CONDITIONS.

The season for work in Crater Lake Park is very short. The season has a heavy precipitation, which is nearly all snow, as but little rain falls in the summer months. Most of the work, and nearly all of the heavy work, is at a high altitude, nearly 7,000 feet. Only in an unusually early season can the rim be reached by the middle of June, although there are portions of the approaches that could be worked

on in June, July, August, and a part of September will be the usual working seasons, with hardly more than two months available for work on the Rim Road. After completion, similarly, provision will have to be made for watering the road, or for oiling it, as showers are exceedingly rare until near the close of the season.

WORKING CONDITIONS.

In addition to the short season the work of construction will be hampered by the remoteness of the locality, requiring the importation of all labor and a comparatively long haul of all supplies. The latter condition may be improved before the work can be completed, even if started at once, by the completion of the Natron cut-off. The question of water supply is not an easy one, especially for that portion of the rim road on the northeast side of the lake between the Watchman and Round Top (about 11 miles). No water has been located between Lighting Spring, south of the Watchman, and Cascade Spring, east of Round Top, and this latter, while a large spring, is at a level much below the road, besides being nearly 2 miles away. Rock suitable for macadam is plentiful on the south side of the lake, but none has as yet been located convenient for work over the same stretch of road where the water is lacking. The drift sand that is found at numerous locations is suitable for the small amount of masonry work that will be required.

The following springs and streams were gauged, and it is believed can be counted on to deliver water at all times in equal or greater quantity than was determined, the measurements having been made in September, at about low water:

	Cubic foot-seconds.
Spring below Crater Lake Co.'s lodge near mile 32, Rim Road.....	0.1
Cascade Spring (head of Bear Creek).....	5.0
Anderson Spring (head of Sand Creek).....	2.0
Sun Creek at elevation 6,000 (near mile 25½, Rim Road).....	.3
Spring at elevation 6,850 (near mile 27½, Rim Road).....	.1
Springs (near mile 29½, Rim Road), aggregating.....	.1
Spring at elevation 6,450 (near mile 30, Rim Road).....	2.0
Arant Spring, at headquarters.....	1.8
Anna Creek, at mouth of Bridge Creek.....	40.0
Bridge Creek, above Fort Klamath Road.....	1.0
Lighting Springs (near mile 3, Rim Road), not gauged but estimated, about.....	.4

BASIS OF PLANS AND ESTIMATES.

As stated, the road is designed with maximum grade of 8 per cent, and this only for short distances, and with a minimum radius of curvature of 50 feet. Cross section in earth or rock is as follows: In embankment, width of subgrade, 16 feet; side slopes 2 on 3; in excavation, side ditches 1 foot deep, width at bottom 2 feet, and side slopes 1 on 1. Surface of broken stone 12 feet wide, 7½ inches at center to 3½ inches at edges. On grades of 2 per cent or higher, side ditches to be paved. Small culverts to be of corrugated iron or vitrified pipe 1 foot in diameter; large ones of concrete as required.

The unit prices adopted are as follows:

Grading:		
Earth or sand.....	per cubic yard.....	\$0.30
Hardpan or loose rock.....	do.....	.60
Solid rock.....	do.....	1.00
Grubbing and clearing.....	per acre.....	75.00
Crushed rock, in place, rolled.....	per cubic yard.....	3.80
Paving of ditches.....	per square yard.....	.50
Construction of rough pack trails.....	per mile.....	150.00

ESTIMATE FOR WATER SUPPLY.

The Rim Road can be supplied with water only with extreme difficulty. The question of water on the approaches is comparatively simple. It is estimated that a system of providing tanks and supply pipe for water, so that the road can be kept watered by carts during the season, will cost \$65,000.

MAINTENANCE.

It is estimated that after completion of the work an appropriation of \$20,000 annually will be required for repairs and maintenance, including sprinkling.

These estimates may appear high, but experience in road work in Yellowstone and Rainier National Parks, where conditions are not dissimilar, have proved that remoteness, short season due to altitude, and high cost of labor and supplies will all operate to increase the cost of construction. It is believed the estimates are not higher than is required for the character of work desired.

RATE OF PROGRESS AND PLAN PROPOSED.

It is believed that completion of the roads in the park, as herein outlined, can be best and most economically effected by a plan about as follows:

The approach from Fort Klamath to the rim of the lake at the present lodge of the Crater Lake Co. should be first constructed by grading only, and then the grading of the Rim Road from the lodge to near Round Top (about 20 miles) should be completed. (The principal hotel of the Crater Lake Co. will ultimately be located on the Rim Road near Round Top.) After completion of this work, if the Natron cut-off is completed, the Bear Creek Road should be graded and the Medford approach graded. These roads should then be improved by surfacing while the remainder of the Rim Road is being graded. The road to the Pinnacles should be undertaken last of all the road work, as a wagon trail can be easily opened up for use during the early work.

The initial appropriation for the work should be about \$100,000 to provide plant, shelter, and camp buildings and stores, in addition to a working fund. For the succeeding two years the annual appropriation should be about \$75,000, after which time it should be increased to about \$100,000 annually, provided the Natron cut-off is completed, as is anticipated. Under this plan it will require about seven years to complete the work, but the grading from the Klamath entrance to the Bear Creek entrance, including about 20 miles of the Rim Road connecting the two establishments of the Crater Lake Co., together with considerable of the surfacing of this much of the road system, would be completed in three working seasons, and all of this road, together with the Medford entrance, could be graded and surfaced by the end of the fourth season.

It is the opinion of this office that as much of this work as possible should be completed prior to the San Francisco exposition of 1915. If this is done, a visit to this park will be one of the favorite side trips, especially as it can be included with a loss of but one day and at little expense by all tourists making the trip via Portland. More rapid progress than outlined above could be made if the work were author-

ized under some such system as the continuing-contract system used in some of the river and harbor work.

In closing this report this office desires to state that the improvement outlined herein is an exceptionally worthy one. It is doubtful if any view existing in the world to-day is as impressive and at the same time as beautiful as the view of this lake from its rim. Hundreds of people make the trip now year after year under adverse conditions for the pleasure of this view, and as the railroad approach is improved, as it shortly will be, the park should be made as accessible as possible for the thousands of tourists that annually travel between San Francisco and Portland.

It is desired also to acknowledge the courtesy of helpful advance sheets of survey furnished by the United States Geological Survey and assistance in numerous ways rendered by Mr. Arant, superintendent of the park, and Messrs. Will G. Steel and A. L. Parkhurst, of the Crater Lake Co.

Respectfully submitted,

JAY J. MORROW.

Major, Corps of Engineers, United States Army.

(Through the Division Engineer, Northern Pacific Division.)

The following description of Crater Lake and its surroundings is given by Prof. J. S. Diller, of the United States Geological Survey:

CRATER LAKE NATIONAL PARK ROADS.

STATEMENTS OF MAJ. J. J. MORROW AND MAJ. EDGAR JADWIN, UNITED STATES ARMY.

MAJ. JADWIN. Mr. Chairman, you asked Gen. Bixby a few questions about the details of the Crater Lake estimates, and as Maj. Morrow, who made the survey and who has charge of the Portland (Oreg.) district, is now in the city, the general thought that he might give you the information desired.

THE CHAIRMAN. "For protection and improvement of the Crater Lake National Park," etc., the appropriation for 1912 was \$3,000, and you are asking \$15,000 for next year?

MAJ. MORROW. That is the appropriation for the superintendent of the park. That is for the maintenance of the present roads in the park. The question I am familiar with is the survey which was specially authorized two years ago for a comprehensive system of roads and trails in the park.

THE CHAIRMAN. Will you just make a statement about that survey?

MAJ. MORROW. The description of the park and the estimates are all in the document. The survey was completed last summer. These estimates came in about Christmas time. When Congress decided to make this survey they provided that the work of the survey be done under the direction of the Secretary of War. It went to the Chief of Engineers and came out to our office. It was a little late in the season, the season being very short, to complete the work. The appropriation did not pass until the 1st of July, and the notification of the fact that it had passed, which was an entire surprise to the Engineer Department, was not received until a month, perhaps, later. The survey and construction parties in the park had to get out before the 1st of October. It is right in the top of the Cascade Mountain Range. So it took two seasons to complete the survey after the estimate.

MR. SHERLEY. How long a season have you there?

MAJ. MORROW. About three and one-half months.

MR. SHERLEY. Have you that much of a tourist season?

MAJ. MORROW. Yes, sir; about the same thing. Tourists go in there about the 1st of July and they come out about the end of September. It is a little shorter than the Yellowstone season, but is entirely comparable with it.

MR. CANNON. Is it about as long as the Mount Rainier season?

MAJ. MORROW. Probably not quite as long.

MR. MALBY. Are there any railroads which run near this park?

MAJ. MORROW. The main line of the Southern Pacific from San Francisco to Portland runs east of it, north and south. The easiest way to reach the park is to run up to Klamath Falls, which is about 60 miles from the park. The railroad, however, is building what they call the Natron cut-off, and when that road is completed, which they say will be shortly, the railroad will be within a very few miles of the eastern limit of the park.

MR. SHERLEY. How far?

MAJ. MORROW. About 6 miles.

MR. MALBY. Do you contemplate connecting up with the proposed new road or is it intended to connect up with the existing railroad lines?

MAJ. MORROW. It is intended to have the principal entrance on the eastern side of the park, so that will be the place that will connect with this new cut-off line.

MR. SHERLEY. What is at Crater Lake National Park besides the lake and mountains? Is there any unusual feature?

MAJ. MORROW. There is nothing except a couple of gorges, which are very picturesque, precipitous rocks, 200 or 300 feet in height, called pinnacles, but the main feature which is really worth while is the beautiful lake.

MR. SHERLEY. How large is the park area?

MAJ. MORROW. About 250 square miles.

MR. PAGE. What is the area of the lake?

MAJ. MORROW. The lake is about 5 miles across, nearly circular.

MR. SHERLEY. How many square miles?

MAJ. MORROW. About twenty-odd square miles.

MR. SHERLEY. How much of a road system is it contemplated to construct?

MAJ. MORROW. There is a map in the document which shows the road around the lake, going as near to the edge of the crater as can be done at as many points as possible, and roads would go east to connect with the new railroad line and south and west to the present entrances.

MR. SHERLEY. Is it proposed to run the road through the forest reserve?

MAJ. MORROW. That ultimately would be done.

MR. SHERLEY. Is there any record of the people who have gone there heretofore?

MAJ. MORROW. Yes, sir.

MR. SHERLEY. How many people have gone each season?

MAJ. JADWIN. There were 5,000 in 1911.

MR. SHERLEY. Where from?

MAJ. MORROW. They all come in from Klamath Falls or Medford.

MR. SHERLEY. Mostly from the State of Oregon?

MAJ. MORROW. No. They come from Oregon and California. A great many of them are tourists who are coming from San Francisco or Portland and stop over.

MR. MALBY. What is the elevation of the lake?

Maj. MORROW. The elevation of the lake is a little over 6,000 feet, and the rim is from 500 to 3,000 feet higher.

Mr. MALBY. It is an extinct crater?

Maj. MORROW. Yes, sir; the top blown off the mountain or sunk into the mountain. The water has filled up the lake to a depth of as much as 2,000 feet. It is the deepest body of fresh water in the world, certainly the deepest I know anything about. The sight of it is perfectly magnificent; the most beautiful I have ever seen.

Mr. MALBY. Is there any outlet?

Maj. MORROW. No; except seepage and evaporation.

Mr. MALBY. Is there much of an intake?

Maj. MORROW. It is fed by the snow which falls there during the winter and drifts in during the storms. The wind blows the snow in there and it can not get out.

Mr. CANNON. There is no river running into it?

Maj. MORROW. No, sir.

Mr. CANNON. It is fresh water?

Maj. MORROW. Yes, sir. There are little streams feeding it from the snowdrifts.

Mr. MALBY. Are there any fish in the lake?

Maj. MORROW. Yes, sir. They have a regulation limiting the catch to six.

Mr. MALBY. What kind of fish?

Maj. MORROW. Trout and some bass.

Mr. MALBY. Lake trout?

Maj. MORROW. Yes, sir. Six are about all you want to carry up the hill, climbing right up an incline of about 45°.

Mr. CANNON. Are the fish healthy?

Maj. MORROW. Yes, sir.

Mr. MALBY. This system of roads, does it include a road to the railway 6 miles away?

Maj. MORROW. Here [indicating] is the road which runs right around the lake. The map shows it. Here [indicating] are the three approach roads planned.

Mr. MALBY. Where does it go?

Maj. MORROW. Ultimately to Medford.

Mr. MALBY. How far away is that?

Maj. MORROW. One hundred miles.

Mr. MALBY. Through the forest reserve?

Maj. MORROW. A portion of the distance; yes, sir.

Mr. MALBY. And the balance private land?

Maj. MORROW. Yes, sir.

Mr. MALBY. Has the Government expended any money on that up to the present time?

Maj. MORROW. I think the forest people have improved that road only as much as necessary to get around the range.

Mr. SHERLEY. Is there any reason in the world for building roads other than around the rim of this lake and to a point outside by which the public can get in? There is not anything in particular about the scenery away from the lake that would justify the Government in building an elaborate system of roads for automobiles?

Maj. MORROW. No, sir; but you want one road to get in.

Mr. SHERLEY. I understand; but you do not want several roads to get in.

Maj. MORROW. If the people come in automobiles it is a good thing to have them go out on a different road from the one on which they come in.

Mr. SHERLEY. If it is not too much of an expense for the benefit of a limited number of people wealthy enough to own automobiles and who visit a lake of that kind.

Mr. CANNON. What is the distance to this entrance?

Maj. MORROW. About 6 miles.

The CHAIRMAN. How many miles around that lake?

Maj. MORROW. Thirty-five miles.

The CHAIRMAN. What character of road was the estimate based on?

Maj. MORROW. On a roadway surface 16 feet wide with 12 feet of macadam in the center, the width not entirely covered with macadam, but 16 feet of excavation, principally excavation.

Mr. SHERLEY. You estimate \$20,000 annually to maintain these roads after built?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. That contemplates how much mileage of roads?

Maj. MORROW. That contemplates the entire mileage—something like 62 miles.

Mr. SHERLEY. Sixty-two miles of roads and \$20,000; that is three hundred odd dollars a mile for maintenance?

Maj. MORROW. Yes, sir.

Mr. SHERLEY. I notice that you contemplate sprinkling. Have you considered or estimated at all on the cost of oiling?

Maj. MORROW. That was gone into to a certain extent. The chances are that at this place oil will be used on the road, either in the shape of a bituminous construction or oil for maintenance.

Mr. CANNON. Is it soft or hard rock?

Maj. MORROW. It is hard rock. It will grind up—all rock will—but it is much better than ordinary limestone.

The CHAIRMAN. This survey which you made contemplates how many miles of road?

Maj. MORROW. 61.7; about 62 miles.

The CHAIRMAN. You spoke about 35 miles; would that cover the entrance?

Maj. MORROW. There are 39 miles, the circle around the lake and the distance to the entrance, to what will be the principal railroad entrance to the park.

The CHAIRMAN. And the total estimate of building that 61.7 miles is what?

Maj. MORROW. \$627,000 for the 62 miles.

The CHAIRMAN. What would be the cost of the 39 miles?

Maj. MORROW. \$468,000.

The CHAIRMAN. It would take 10 years to complete the entire system, according to your statement?

Maj. MORROW. Not 10 years; about 7 years, altogether.

The CHAIRMAN. Are there any roads there now?

Maj. MORROW. Just mountain roads. You can get over them with an automobile, but they are very kinky and in very bad shape. During the season there are probably now anywhere from three to seven automobiles which go up to the rim of the lake every day, besides the ones run by this company that has a lodge up there.

Maj. JADWIN. Mr. Chairman, you asked Gen. Bixby about the way the estimate was prepared and whether he could handle the work relatively economically. Maj. Morrow may throw some light on that.

Maj. MORROW. That point came up in the hearing with the general the other day as to whether the work of construction should be transferred to the Interior Department. The general spoke to me about it and suggested that possibly there were reasons he had not touched upon

why the work might better be constructed by the engineer office out there. There is one point that should be emphasized: I have in the office at Portland an organization for river and harbor work for the Cello Canal, where we are spending \$600,000 to \$800,000 a year, and that job contemplates a lot of excavation work. I have four steam shovels and a big land dredge on that work, in addition to the plant for putting in concrete. It just so happens that the high-water season in the Columbia River agrees absolutely with the working season in the Crater Lake National Park. The Columbia River flood begins in May or June and comes down in August. If this work were done there would be the advantage of being able to shift a portion of the force, and in that way enable the parties to get in there with a little more facility and to use part of the plant by transfer at the same time.

The CHAIRMAN. How far apart are these places?

Maj. MORROW. About 300 miles. But I am confronted just at this time and at this season of every year with the proposition of having to reduce the force at Cello for three or four months; some of the men have to be laid off and are laid off. If this work were going on in the same office there would be that advantage of having a place to shift a considerable portion of them.

The CHAIRMAN. You state that three, five, or seven automobiles go through the park during a day?

Maj. MORROW. I say go up to the lodge.

The CHAIRMAN. Are they private cars or cars operated by the company?

Maj. MORROW. They are private cars; the company operates one and sometimes two automobiles to carry the people up to the lodge; but these are private cars in addition to those operated by the company, and sometimes there are seven or eight up there overnight.

The CHAIRMAN. Does the company carry many people?

Maj. MORROW. They carry anywhere from five to a dozen a day during the season in this machine that runs up from Klamath Falls. They charge \$10 for that round trip in the automobile.

The CHAIRMAN. I asked that because I notice the fee paid by that company is \$30.

Mr. MALBY. Is it an automobile company?

Maj. MORROW. No, sir; it is the Crater Lake Co., which runs this lodge or camping place at the rim of the lake.

Mr. SHERLEY. And they pay \$30 for that privilege?

Maj. MORROW. I did not know they paid anything. They have a dozen or twenty tents there, and a big house which they use as a kitchen and dining room.

Mr. MALBY. And they accommodate anybody who goes there?

Maj. MORROW. Yes, sir.

Maj. JADWIN. Maj. Morrow has made reference in his report to a probable large increase in the number of tourists who will travel at the time of the San Francisco Exposition.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 17, 1912.

Mr. JAMES C. COURTS,
Clerk Committee on Appropriations, House of Representatives.

SIR: * * * A memorandum, prepared in this office, is attached giving information concerning the cost of maintenance of wagon roads by the use of oil and by sprinkling with water, along lines suggested by questions asked by some of the members of the committee in connection with Maj. Morrow's testimony.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

[Memorandum concerning the cost of maintenance of wagon roads by the use of oil and by sprinkling with water. Prepared in the office of the Chief of Engineers, United States Army, April 17, 1912.]

PARK AND COUNTY ROADS AND SUBURBAN STREETS IN DISTRICT OF COLUMBIA.

The cost of oil constitutes about two-thirds of the cost of work of oiling the county roads and suburban streets in the District of Columbia. Oils of several kinds were used, including a considerable amount of emulsified oil; this latter oil was found to be better adapted to residence streets where there is much pedestrian traffic on account of being less adhesive to the feet when first applied; it is also less expensive. The heavier oils were found to be best adapted to roads having considerable automobile travel and the lighter oils to roads having heavy hauling and where the surface is loose. These oils are used instead of sprinkling with water, with the result that the dust is kept down at all periods of the day instead of drying out at intervals. The cost of laying varied from about 3 cents to a little over 6 cents per square yard; the cost of watering was about 2½ cents per square yard. While the expense of oiling is greater than of watering, the additional advantage of preservation compensated for the increased expense, for the life of the roadway is considerably increased.

WASHINGTON PARK SYSTEM: PUBLIC BUILDINGS AND GROUNDS OF THE DISTRICT OF COLUMBIA.

The cost of treating with oil and tar is, on an average, 2½ cents per square yard, with oil at 6½ cents per gallon. The roads were, in general, good macadam roads. At this price a 16-foot road would cost about \$235 per mile per annum for oiling. Average cost of sprinkling with water in past years was 3.2 cents per square yard, or about \$300 per mile for a road 16 feet wide.

MISCELLANEOUS NOTES (FROM HANDBOOK OF COST DATA, GILLETTE, PP. 154 AND 155).

Mr. E. W. Howe gives the cost of sprinkling macadam park roads (locality not stated) as follows per mile per year: Water (16 cents per 1,000 gallons), \$187; teaming, \$533. The road was sprinkled 10 times daily to keep the dust down, a sprinkler with fine holes being used. The cost of maintaining these roads was about \$200 per mile per year, distributed thus: Screenings, \$130; teaming, \$50; labor, \$20.

ROADS IN EUROPE, NEW JERSEY, AND MASSACHUSETTS.

Mr. L. Y. Grabill, superintendent of county roads, Washington, D. C., expresses the opinion that the good condition of the ordinary country roads in Ireland and Scotland is due to the character of rock used which, under ordinary travel, keeps well compacted as the result of the high degree of moisture in the climate.

In the New Jersey report for 1907 an estimate is made for cost of maintenance for the entire State of \$300 per mile, and the report states that that estimate is considered low. One county in New Jersey in 1907 expended \$436 per mile for maintenance. The cost of maintenance of the highways in the vicinity of Newton, Mass., in 1910, was \$541 per mile for maintenance only.

YELLOWSTONE NATIONAL PARK.

The estimated cost of oil delivered in the park is about 10 cents per gallon.

An estimate made in 1903 indicated that the cost of oiling a 10-foot road in the park would be approximately \$440 a year. The question is now being carefully investigated again. The average cost of sprinkling roads in the park during the past three years has been about \$300 per mile.

Mr. FITZGERALD. Mr. Chairman, the report to which the gentleman calls attention recommends that \$627,000 be expended in the construction of 62 miles of road in this national park. Last year there were 4,500 visitors at the park, and the receipts obtained from the various concessions in the park by the Federal Government amounted to \$389. A 20-year concession has just been granted to the so-called Crater Lake Co., so that if this system of roads that is contemplated is to be constructed at the rate contemplated in the gentleman's amendment it will take 14 years to complete it. The committee believed, in its investigations of these various parks, that before any very extended appropriation should be made for improvements in them it is of the utmost importance that some definite plan of control and development be determined upon by Congress. The estimate for these roads was made under a survey made by the War Department. This appropriation, if granted, would be expended under the Interior Department.

The roads in the Yellowstone National Park have already been built under the Army engineers. This money, if appropriated as now proposed, would be expended by the Interior Department. This park has roads now. Maj. Morrow said they are just marked roads, but that you can go over them with automobiles. Before Congress should undertake to enter upon a scheme of expending \$627,000 for roads in this park, to build 62 miles of roads at a cost of \$10,000 a mile, some plan should be adopted by which these concessionaires should make reasonable return to the Government, and some fixed policy should be adopted regarding all of the parks. The Federal Government has rather overdone the matter of national parks. Some of them are well worthy of development, but as concerning others very serious questions arise.

In the Glacier National Park, for instance, there are within the limits of the park a number of homestead entries, and one of the most attractive and beautiful lakes in the entire park is surrounded by homesteaders, so that every dollar expended by the Federal Government in the development and improvement of that park prior to the acquisition of these private rights within the park will simply tend to enormously enhance the value of the private holdings in the park.

The committee believed, in view of all the facts developed in the investigations regarding the parks, that it would be unwise at this time, until opportunity has been afforded to consider a plan that had been proposed to consolidate the question of management of these parks and the defining of some policy toward the development, to undertake these very extraordinary improvements. I hope the amendment will not be adopted.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Oregon.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 20, noes 43.

So the amendment was rejected.

The Clerk read as follows:

Mesa Verde National Park, Colo.: For protection and improvement of Mesa Verde National Park, Colo., 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, \$7,500.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I do not believe there is anything which so thrills the human body as the contemplation of enjoyment, and commensurately, in opposite degree, disappointment. It does not happen that this gem of creation, the Mesa Verde National Park, is in my district. At the same time, however, speaking for Colorado, as a Member from the West, being looked upon as one of the most voracious individuals, looking for everything that might be had from the Government, looters of the public domain, and so forth, I feel I must raise my voice in favor of one of the grandest sights there is in the Western Hemisphere.

I believe that this Government has done a very generous thing to give us \$7,500. [Applause.] I am going to disappoint my friends over there in not allowing them to raise a point of order. I consent to the amendment that is offered by the committee for the \$7,500, and we are very thankful for them. We hope that they will do the same thing for us next year. [Applause.]

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Mount Rainier National Park, Wash.: For protection and improvement of Mount Rainier National Park, construction of bridges, fences, and trails, and improvement of roads, \$5,400.

Mr. WARBURTON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add the following at the end of line 20, page 107, Mount Rainier National Park: "For the improvement of the Government road between the National Park Inn, in the Mount Rainier National Park, to a point where the Government road leaves the national forest reserve, \$35,000."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. This part of the bill has reference to national parks. The gentleman is speaking of some road leading to the national park.

Mr. WARBURTON. No; the amendment is offered for the appropriation of \$35,000 for the improvement of that part of the road in the national park extending—

Mr. FITZGERALD. It is not a Government road; it is not on Government land.

Mr. WARBURTON. But the gentleman is mistaken; it is a Government road.

Mr. FITZGERALD. I reserve the point of order.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. FITZGERALD. The statement made by the gentleman very greatly impressed the committee when it was made on another occasion, and it rather inclined the committee to favorable action upon this improvement or to serious consideration of some relief of the situation. But the committee was subsequently furnished with information which the gentleman has not been kind enough to give to this committee. From the entrance of the park to the limit of the forest reserve there is only one available route for a road, and along that route there was a roughly cut road that enabled the Forest Service to take out timber; and if any road is to be constructed it must be constructed along that line.

It is 3 miles from the limit of the boundary of the park to the boundary of the forest reserve, and practically every foot of that land through which that road must go from the park to the boundary of the forest reserve is in private ownership, having been taken up by homestead entries.

That information did not come from the gentleman who is now offering this amendment. It was furnished by the Forester of the Department of Agriculture, who called the attention of the committee to the fact that this road was just as much a county road as any other road in the county about which the gentleman speaks, as having been improved at the expense of the county, and it would mean that the United States would enter upon the policy of building roads upon private holdings in the several States.

With that information before the committee, the complexion of this entire matter changed very materially. In view of the fact that there was no authority to build roads of this character, that the proposed road was not upon the public domain, and that it was not in a forest reserve, although it would very greatly enhance taxable values in this county, the committee believed it would be absolutely indefensible to make an appropriation for any such purpose.

I insist upon the point of order, Mr. Chairman, in as much as this road is not upon Government land.

The CHAIRMAN. The time of the gentleman has expired.

[Mr. WARBURTON addressed the committee. See Appendix.]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] a question. The gentleman from New York said that this 3 miles of road within the exterior limits of the forest reserve and outside of the park was on private land.

Mr. FITZGERALD. It is not in the forest reserve at all, because it had been taken up in homesteads.

Mr. MANN. I say, it is within the exterior limits of the forest reserve, it is not?

Mr. FITZGERALD. Yes.

Mr. MANN. Is there not a road used by the Government?

Mr. FITZGERALD. There is such a road.

Mr. MANN. Does not the road belong to the Government? How could the Forest Service have a road there otherwise?

Mr. FITZGERALD. They were permitted by the people to get through there. It is the only feasible place to do it.

Mr. MANN. If there is a road dedicated there—

Mr. FITZGERALD. It is not a road dedicated.

Mr. MANN. A road dedicated by practical use is a road dedicated, just the same as if it were done by a formal proceeding.

Mr. FITZGERALD. Even if it is a dedicated road, it does not belong to the Federal Government, because they could not give it to the Federal Government.

Mr. MANN. If there is a road within the exterior limits of the forest reserve, and it is a public road, I take it that it does belong to the Government.

Mr. FITZGERALD. The forester states that this is not in the forest reserve. If the land is taken up in homesteads, it is not within the forest reserve.

Mr. MANN. It is within the exterior limits of the forest reserve.

Mr. FITZGERALD. I can not agree with the gentleman's statement that it is within the exterior limits, because the forester says it is not in the forest reserve. It can not be in the forest reserve, because these are homesteads.

Mr. MANN. I do not think there is any difference between us—

Mr. FITZGERALD. These are private holdings, and the Government can not include them in any forest reserve.

Mr. MANN. I understand that in making a forest reserve the President has the power, and exercises it, to cover all the public lands within certain exterior limits.

Mr. FITZGERALD. This is not public land.

Mr. MANN. It covers all the public land within those exterior limits. Now, a road is public land in one sense. If there is a road there, I think we do have jurisdiction.

Mr. FITZGERALD. If the gentleman will permit me, this road is over the private holdings of private individuals.

Mr. NORRIS. Are not these private holdings within the forest reserve?

Mr. FITZGERALD. No; they can not be within it.

Mr. MANN. They are within the exterior limits.

Mr. FITZGERALD. The gentleman is mistaken. I looked at the map.

Mr. WARBURTON. Mr. Chairman, they are within the limits.

Mr. FITZGERALD. They are not within the forest reserve, because the fact that they are taken up by private holdings makes it certain that they are out of the forest reserve.

Mr. MANN. Mr. Chairman, I have the floor, if the gentleman will pardon me.

Mr. FITZGERALD. They are connected right up with the rest of the county there.

Mr. MANN. Now, I should like to ask the gentleman—going into the merits of the proposition—if this road should be constructed, would not the principal beneficiary of it be the Government, which owns the park and the forest reserve?

Mr. FITZGERALD. I am not so sure that it would be. I think the principal beneficiaries would be the owners of the property through which this road would be constructed. It would add immensely to the value of those private holdings.

Mr. MANN. Here are a few quarter sections homesteaded. Those people do not need a macadamized road for automobiles, do they?

Mr. FITZGERALD. No; but, if the gentleman will permit me, they have so located their claims as to take up the only available route for a road. It must have been done with deliberation, to take advantage of the Government in this situation.

Mr. WARBURTON. That is not so.

Mr. MANN. If the gentleman will permit me, it is perfectly apparent, from the statement which was made the other day by the gentleman from Washington [Mr. WARBURTON], that that road, only 3 miles long, ought to be improved to connect with the roads on each side of it. Here is a road—I do not remember how many miles long—outside of the forest reserve, and a road in the park, and for the lack of a connecting link 3 miles long these two roads are unconnected. It is perfectly patent that somebody ought to build the road. Is there not some way of having the Government contribute at least a portion of the cost of the building of the road within the forest reserve?

Mr. FITZGERALD. I suggested to the forester that the Agricultural Department had half a million dollars with which it could build a road in the forest reserve, and the forester made the statement that it is not in the forest reserve.

Mr. SIMS. Was that road built over private land at the expense of the Government, for the purpose of saving a greater expense to the Government in going over a worse or more inconvenient route? That was the statement made by the gentleman from Washington [Mr. WARBURTON].

Mr. FITZGERALD. The so-called road amounts to the cutting and clearing of the standing timber off a stretch through which they can take the cut timber. That is all.

Mr. SIMS. Could the Government have constructed a road that would have answered the purposes of the Government without going over this particular private land?

Mr. FITZGERALD. I think it could, although it would not have been quite as convenient.

Mr. SHERLEY. Will not the people who get the most benefit from this road be the people in the town right near there, who have the advantage of this national park in such close proximity, and who are getting revenues out of it because of the attractions in the park?

Mr. SIMS. I will not controvert that, because I am asking for information; but if the Government built the road through private property at its own request, in order to save money to itself, it does not seem to me that it ought to be regarded as a private enterprise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I should like to have a couple of minutes, just to answer the gentleman's statement.

The CHAIRMAN. The gentleman from Washington [Mr. WARBURTON] asks unanimous consent for two minutes. Is there objection?

There was no objection.

Mr. WARBURTON. Mr. Chairman, as a matter of fact these settlers went there many years before the park was ever created. They did not go there with any idea of getting in the way of the Government. Nobody could have told at that time where the Government road would go. They took their homesteads along the river, in the valley, as people naturally would do. The Government went to these settlers and asked them for a right of way, on the theory that it was going to build and maintain the road. The Government owns it to-day.

Mr. FITZGERALD. The Government could not take property without special authority of Congress.

Mr. WARBURTON. The Secretary of War has in his possession to-day the deeds of all these roads in forest reserves excepting this 400 feet.

Mr. FITZGERALD. The gentleman is mistaken; the Government can not take it without special authority of Congress.

Mr. SIMS. Mr. Chairman, as I understand, the settlers did not settle there with a view to speculation.

Mr. WARBURTON. No; they did not.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Under the amendment it is proposed to appropriate \$35,000 for the improvement of the Government road between the National Park Inn, in the Rainier National Park, and the point where the Government road leaves the national forest reserve.

The question which is most important to the Chair hinges upon the word "improvement." If the word "repair" were used instead of the word "improvement" the Chair would overrule the point of order; but, under the word "improvement" in the amendment, the money could be used in the purchase of ground to widen the road. In the District of Columbia we frequently appropriate money for the repair of streets, but there must be an authorization for the improvement of a road which would necessitate the purchase of ground to widen the road. Because of the word "improvement" in the amendment, the Chair sustains the point of order.

Mr. WARBURTON. Mr. Chairman, I offer the amendment again, substituting the word "repair" for the word "improvement."

Mr. FITZGERALD. Mr. Chairman, I make the further point of order that at this point of the bill we are carrying appropriations for the maintenance of national parks and that the provision for a Government road outside of a national park is not germane to this part of the bill and not in order.

The CHAIRMAN. Now, in relation to the amendment now before the House, which uses the word "repair" instead of "improvement," the Chair invites attention to Hinds' Precedents, volume 4, page 534, where the following language is used:

An appropriation for repair of an existing Government road to a national cemetery is in order on a general appropriation bill as in continuance of a public work.

An appropriation to build a new road to a national cemetery was ruled out of a general appropriation bill as not being a legitimate continuation of the cemetery as a public work.

The Chair therefore holds that this amendment is now in order, and overrules that point of order. The question is on the adoption of the amendment.

The question was taken, and on a division (demanded by Mr. WARBURTON) there were 23 ayes and 43 noes.

So the amendment was rejected.

Mr. WARBURTON. Mr. Chairman, I now move to strike out the words "thirty-five thousand" and insert the words "twenty thousand."

Mr. FITZGERALD. What is the amendment, Mr. Chairman?

Mr. MANN. The gentleman from Washington reoffers the amendment with \$20,000 inserted instead of \$35,000.

Mr. FITZGERALD. Let it be reported.

The Clerk read as follows:

Amend the bill by adding the following at the end of line 20, page 107:

"Mount Ranier National Park: For the repair of the Government road between the National Park Inn in the Ranier National Park and the point where the Government road meets the national forest reserve, \$20,000."

Mr. WARBURTON. Mr. Chairman, I will change that from \$20,000 to \$15,000.

The CHAIRMAN. The gentleman from Washington modifies his amendment by making it \$15,000, and the question is on the amendment as modified.

The question was taken, and on a division (demanded by Mr. WARBURTON) there were 27 ayes and 42 noes.

So the amendment was lost.

Mr. WARBURTON. Now, Mr. Chairman, I desire to offer another amendment.

The Clerk read as follows:

Amend, by inserting immediately preceding line 21, page 107, the following:

"That from and after the date of the passage of this act the wagon road to the Mount Rainier National Park, in the State of Washington, constructed over private and national forest lands under the direction of the Secretary of War, pursuant to acts of Congress approved March 3, 1903 (32 Stat. L., p. 1130), and April 28, 1904 (33 Stat. L., p. 498), shall be, and is, placed under the administrative jurisdiction of the Secretary of the Interior, who is hereby authorized to make and execute rules and regulations for the protection, control, supervision, and maintenance of the said road."

Mr. FITZGERALD. Mr. Chairman, I make a point of order on the amendment. I thank the gentleman for admitting what I have contended for.

Mr. WARBURTON. That is done at the request of the Secretary of the Interior, who inserted the word "private." I did not.

Mr. FITZGERALD. I do not care who requested it. The gentleman from Washington is not to blame. I contend, Mr. Chairman, that that is clearly legislation.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BURKE of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 107, after line 20, insert the following:

"Wind Cave National Park, S. Dak.: For the improvement and protection of the Wind Cave National Park, \$2,500."

Mr. BURKE of South Dakota. Mr. Chairman, I do not wish to take up the time of the committee at this late hour. I wish to say that this appropriation has been carried heretofore for the Wind Cave Park, S. Dak. It is estimated for, I believe, at \$4,100. I am unable to find any reference to the matter in the published hearings, but in the examination of the bill of last year this seems to be the only park for which an appropriation is not provided for in this bill, and I assume that it was inadvertently omitted from the bill. I therefore hope the amendment will prevail.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from South Dakota.

Mr. FITZGERALD. Mr. Chairman, I desire to contradict the gentleman's statement that this was inadvertently left out. It was deliberately left out. If there is any excuse for Wind Cave National Park, nobody has ever been able to discover it.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Considering that this is campaign year, does the gentleman not think that we can afford to appropriate something for Wind Cave Park?

Mr. FITZGERALD. No; we do not want the wind confined to that cave.

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from New York that I discovered that Platt National Park is included in the bill, and I could not form any other conclusion than that Wind Cave National Park must have been inadvertently left out of the bill.

Mr. FITZGERALD. The gentleman is aware of the fact that those interested in Platt National Park have not displayed any great enthusiasm over the recommendations made by the committee regarding it.

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

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Glacier National Park, Mont.: For administration and improvement of Glacier National Park, the construction of roads, bridges, telephone lines, and the repair of roads, trails, bridges, \$50,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. This item provides for the improvement of one of the newest and one of the finest of all of the national parks. I have not offered an amendment increasing the amount because I know that it would be entirely useless to do so.

We have had this evening a beautiful illustration of the way in which this appropriation bill has been prepared. As we have read item after item Members interested in the public service proposed to be provided for have one after another risen in their places and offered reasonable amendments for necessary improvements, and they have all been voted down. I am not a prophet nor the son of a prophet, and yet my guess is that when we again consider this bill after its journey elsewhere practically every item offered this evening will be in the bill, and in the course of time the gentleman from New York in charge of the bill will bring in a conference report agreeing to those items. What is the result of that sort of policy adopted by the committee in connection with this bill? It is to take from the Members of this House whatever influence they may have, whatever standing they ought to have, in the matter of securing needed and necessary appropriations for the public service. The result is to wear out the marble floor between here and another place by the tread of the Representatives of the people going elsewhere to obtain those things which are denied them in the body of which they are Members. So year after year this thing goes on.

I suppose it will go on if the gentlemen in control of this bill continue in their present position, and the prestige of the House falls lower and lower. Who so short sighted, who so foolish as to approach a Representative asking him to secure a needed appropriation for his district, when he knows that there is little possibility of securing it? No; he goes elsewhere to another body, and so the committees of this House deprive the Members of the opportunity to serve the people they represent, and thus enhance the prestige of another body. Incidentally they give us an exhibition of how a committee of this House can and does refuse Members of the House even a decent hearing in regard to the matters of appropriations relating to their districts.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. Is the other body to which the gentleman is referring the one that gave the city of Sundance \$175,000 for a post-office building—the aforesaid Sundance having only 275 inhabitants? Is that the body to which the gentleman refers?

Mr. MONDELL. Mr. Chairman, here is another gentleman who has got Sundance on the brain, and I am delighted to have the beautiful city of Sundance receive this advertisement. Come up to Sundance, breathe the pure air of her mountain heights and get a broader view of things. But Sundance is not at issue at this time, and I trust that this committee will in the future mend its ways and give some heed to the amendments of Members for worthy objects.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

Platt National Park: For maintenance, bridging, roads, trails, and sewerage, under direction of the Secretary of the Interior, \$5,000.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I desire to offer an amendment increasing the amount to \$5,000.

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the paragraph.

Mr. MANN. What authority is there for sewerage in this park? Is there any law authorizing the Government to build sewers in Platt National Park?

Mr. FITZGERALD. We are doing our best to prevent it.

Mr. FERRIS. Mr. Chairman, I will say that the amount there is not sufficient to build any sewers, and if the gentleman desires I will consent to have that stricken out.

Mr. MANN. The gentleman can let it go out on a point of order and then reoffer it, or he can ask unanimous consent that the words "and sewerage" be stricken out.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the words "and sewerage," in line 2, page 108, be stricken out, and the word "and" be inserted before the word "trails."

The CHAIRMAN. Without objection, the change will be made in accordance with the suggestion of the gentleman from Oklahoma.

There was no objection.

Mr. FERRIS. Mr. Chairman, I move to increase the amount by striking out "\$5,000," in line 3, page 108, and inserting in lieu thereof "\$10,000."

This park is estimated for, and the amount of the estimate is \$53,455.

I understand from the statement of the chairman of the committee that he does not want to commit the Federal Government to any large expenditures in these parks until some definite arrangement can be arrived at respecting them. I have offered to increase the amount only sufficient to cover little necessary repairs to keep what is there from going to wreck and ruin. As I said before, the estimate is more than \$50,000. I have offered only fairly enough to take care of some items that will keep the park from going to wreck and ruin. I hope the chairman will accept the amendment. There is one item of \$140 for a revetment wall. There is another item of \$50 for improvement of a little spring and another one for \$75 and a few little remnant items.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I move to strike out \$5,000 and insert in lieu thereof \$10,000. It ought to be for the full amount of the estimate.

I am well aware of the value of the time of the House and also the lateness of the hour, and I do not want to yield to anybody. Please permit me to proceed in my own way, at least for the present.

Mr. FOSTER. I have some sympathy with the gentleman—

Mr. FERRIS. I appreciate the gentleman's sympathy. I will also appreciate his vote.

Mr. FOSTER. But if I can not get the information I will have to vote against the gentleman.

Mr. FERRIS. I hope the gentleman will let me proceed, as I do not desire to unduly detain the House. I shall try to give him the information. The situation is this: This park is located in the center of our State and has, approximately, 800 acres. It is an 800-acre park with 33 beautiful mineral springs, with beautiful timber, cataracts, and beautiful hills, in the middle of a prairie State. It is the only institution of the kind in the State or in the Southwest. The Government is not surfeited with parks. We do not get anything for rivers and harbors, we do not get any of the appropriations that most of the States get. We have more than one-third of all the Indians of the United States, whose lands are nontaxable. The recent tax decision has stricken from the tax rolls of our State pretty nearly all of the taxable areas in the eastern part of the State. This is a small item, and I hope the chairman of the committee will accept this amendment. I think it is not too much to ask.

Mr. FITZGERALD. The gentleman says this is the only thing in Oklahoma upon which the Federal Government can expend money. The gentleman understands that is not my fault. I did my best to give this great, magnificent national park to the State of Oklahoma—

Mr. FERRIS. We thoroughly understood the generosity of the gentleman on former occasions. [Laughter.]

Mr. Chairman, I would ask that the amount be increased for the full amount of the estimate, which aggregates \$53,455, but for the fact that the chairman of the committee having charge of the bill has stated that it was not his intention to incur any large expenses in any of the parks until some well-defined and well-mapped-out plan had been adopted with reference to them. Of course I, with others who have been disappointed in the size of their park appropriations in this bill, would like to cure that disappointment by having an amount sufficient appropriated to do the things necessary to make the park what it should be. I am only asking at this time an amount sufficient for the park to make a few needed improvements and keep things in repair until such time as the park may be given a regular status, and properly appropriated for in proportion to her natural advantages.

It has been said by this committee in the past on this floor, and it has been said to me in person when presenting the matter to different members of the committee, that this park had been offered to the State and she had refused to accept it. This is a true statement of the situation, and the State does not now desire to accept it; not because it is not of value, but because it has natural attractions, national in character, that induced the Federal Government to purchase it and establish it in the beginning—to make it a national park, not a State park. It has those same attractions now, and even more; the beautiful city of Sulphur has been built up about it. It has been partially

improved and beautified, the value and medicinal qualities of the water are now well and favorably established, and why should the Federal Government now undo or take the back track on their former position?

I know this is a time of intense economy, but surely the time has not arrived when the National Government should purchase and establish a park at great cost in 1902 and later, in 1904, adding thereto by an addition, and then in the good year 1912 throw that away. I do not believe the Appropriation Committee are performing any service in constantly attacking these parks. The State of Oklahoma is proud of the park. The State of Oklahoma appreciates, visits, and uses the park. Her visitors from other States use and enjoy the park. There is no other park near this one. The park was purchased from the Indians to the end that it might not be despoiled. Oklahoma has more than one-third of all the Indians in the United States. I think it is not too much in deference to them alone to beautify, improve, and make something of this park. They were the aboriginal owners of it all once, now we own it all. It is not a large sum.

It has 33 mineral springs of which the whole State and every visitor to the park is thrice proud. During the years of 1910 and 1911, respectively, more than 30,000 visitors visited and were benefited by the waters and the park. This shows it is of benefit. This shows it is appreciated.

The park abounds in beautiful scenery, healthful water, a delightful climate, a hospitable people, and her natural advantages are certainly all that could be asked.

It has been contended by the members of the committee that the park has no nation-wide advantages which entitle it to longer recognition as a national park. On this I join issue squarely. I could insert testimonials from the best physicians of the country as to what the water has and will accomplish, but I will not now detain the House with that phase of the matter.

The park has been estimated for by the department. They recognize its worth. They recognize the necessity for this appropriation. They see no reason to change their view that it is still a park of sufficient proportions and value. I have the Book of Estimates before me, and I will present the items for which the department has estimated that there be appropriated \$53,455.

Platt National Park, Okla.:

For protection and improvement of Platt National Park and the construction of a sanitary sewer (acts July 1, 1902, vol. 32, p. 655, sec. 1; Apr. 21, 1904, vol. 33, p. 220, sec. 1; Mar. 4, 1911, vol. 36, p. 1420, sec. 1)

\$53,455.60 \$10,000.00

Memorandum as to proposed expenditure of amount estimated for Platt National Park.

Sewer system	35,000.00
Revetment wall	300.00
New pavilion, Wilson spring	140.00
Improvement and repair, Wilson spring	50.00
New administration building	10,000.00
Three new barns for park stock	1,000.00
For electric lights in park and superintendent's residence	268.60
Telephone service	102.00
Driveways and trails	1,200.00
Weeds, thistles, and underbrush	200.00
Reinforcement, forest timber	100.00
Miscellaneous and emergencies	150.00
Shoeing of team, repair of tools, etc.	75.00
Salaries of park force	4,800.00
Fuel	70.00

Total 53,455.60

Classified statement of receipts and expenditures, Platt National Park, fiscal year 1911.

[Appropriation for protection, improvement, etc., fiscal year 1911, \$5,000.]

EXPENDITURES.

Salaries of park employees	\$3,935.00
Construction, repair, and improvement of roads and trails; improvement and development of springs and park water system	500.85
For ice, cutting weeds, towel supply and laundry for superintendent's office, repair and sharpening of tools, etc.	199.41
Repairs to superintendent's residence and cleaning rest houses	75.00
Electric-light service	112.04
Telephone service	84.00
Fuel	70.00
Miscellaneous expenditures:	
Stationery supplies	\$6.26
Printing and binding	7.74
Removal of refuse	2.00
	16.00

Total expended 4,902.30

Platt National Park, Okla.—Continued.

Classified statement of receipts and expenditures, Platt National Park, fiscal year 1911.

REVENUES.	
July 1, 1910, balance (after deducting \$579.50 for material and supplies furnished and service performed prior to July 1, 1910)	\$79.27
Receipts: Fees from licenses and permits granting park privileges, sale of gravel, etc	475.75
Total available	555.02
EXPENDITURES.	
Repairs and development of springs	\$368.65
Harvesting alfalfa crop	11.00
Miscellaneous expenses: Soap, brooms, wire, ice, telegraph and advertising service	13.37
	393.02
Balance July 1, 1911	162.00

The gentleman from Illinois objected to the item for the sewer and it was eliminated, but it should not have been done. Due to the topography, the park took in the only tangible or, I might say, possible outlet for the city sewer. In creating the park they were compelled to move the town of Sulphur, or at least a large part of it, twice to accommodate the Government and help the Government with the institution, and now they will not allow the city to use the natural sewer that nature gave them, neither will they construct their share of the sewer from the line of the park across and on their own property. However, I consented to allow the word "sewer" to be omitted in deference to the gentleman from Illinois [Mr. MANN] inasmuch as the amount carried would not be sufficient to construct the sewer anyway.

Every item of the estimate is not only needed, but is badly needed. In deference to the statement of the chairman and the general paring down of all the appropriations I am not asking the full amount, but do want to emphatically assert that we do not concede that any of it should go out.

On the subject of the necessity of this item I can not do better or furnish better information on the subject than to quote from a letter recently received from the Hon. C. B. Emanuel, Sulphur, Okla., addressed to me on the subject. I will read it:

The first town of Sulphur was built around the Hillside and Pavilion Springs. There a thriving little village sprang up and everything was growing and prosperous. The agents for the United States Government discovered these springs and their wonderful curative and medicinal qualities, and then came the first segregation. The town builders moved off willingly to a southeastern direction and started a town or town site on the land that I have circled with a pencil. In a few months Sulphur had a population of approximately 3,000. The question of sewerage came up, and from the report of Mr. H. V. Hinkley it was learned that the city could carry its sewerage to a southwesterly direction and by the expenditure of \$8,000 empty all of this sewerage into Rock Creek, one-half mile below the Bromide Spring.

As from the second town site the sewage would have a natural drainage in the southwestern direction. From the records of the old city recorder I note that the actual taxable valuation of the real estate of this second town was more than \$1,000,000. Just when they were getting ready to vote bonds for a sewer and water system the second segregation came. From the geological lay of the land they could not move any other direction than onto the present town site of this city, therefore there is absolutely no other direction for the city's sewage to flow other than the route it is now going. From the business portion of this city it is uphill both north, east, and west, therefore the sewage must go as it is now going—south. At present this city has a population of 5,000. Its actual taxable valuation is \$2,800,000. We have paved streets, \$90,000 water system, \$56,000 sewer system, and more than \$100,000 invested in our public-school buildings. This sewerage system, as I have heretofore stated, is a menace instead of a benefit to this city; for this reason: I have designated by a small square at the entrance of First Street west to the park the east side septic tank, or the place where all of this city's sewage empties. This method of the waste from a city is absolutely a failure. The sewage does not stop in the tank, but goes on down—the ditch I have indicated by a blue line—and empties into Travertine Creek. Last summer the smell or odor from this creek was so bad that one could not go within a block of it. Furthermore, this septic tank is only half block from the business portion of the town. It could not be placed elsewhere on account of the location or lay of the land, and for the reason that the Government would not cooperate with this city. The west side septic tank is located at a point I have indicated just south of the Santa Fe Railroad station, and that sewage also goes into Rock Creek, all of the sewage flowing through the park. What we want the Government to do is to construct an 18-inch sewer along the route indicated by the green line, keep the sewage out of the creeks, and empty it into Rock Creek outside of the reservation down below the Bromide Spring. The city will construct a line of sewerage along the routes indicated by red lines, and deposit its sewage into the Government sewerage, and it can be carried through the reservation to the place I have stated. The \$300 item for revetment wall is for the purpose of constructing a cement wall for the purpose of keeping the embankment from caving into the Bromide Springs. I have indicated on this map just where it is to be built. Another very important item is the \$10,000 administration building. I have indicated on this map where this building is to be constructed; and if it is built it will certainly be a great addition to Platt National Park and the city of Sulphur. The \$1,200 item for driveways and trails is very, very important. I am sorry that it is not \$12,000, as that amount will only be a starter that can be used in this direction.

C. B. Emanuel is a bright young lawyer and a member of the legislature from that county, and has the matter well in hand. His law partner, Mr. Broadbent, from Sulphur, made a trip here this winter to assist the committee and the Oklahoma delegation in making known the facts. He has been helpful to us. He has been helpful to the committee. The amount in the bill is the only complaint we have, and it should be enlarged here and now.

One word further about the proposition of ceding the park to the State of Oklahoma. The legislature of the State has spoken upon the proposition by a resolution. I incorporate it here so the House can observe the situation:

Resolution.

Whereas the Legislature and Senate of the State of Oklahoma, by house concurrent resolution No. 13, duly and regularly passed in December, 1910, and signed by the governor, did cede all right, title, and interest that the State of Oklahoma had or might have acquired in and to Platt National Park, by virtue of the supplementary agreement, to the United States of America, copies of which concurrent resolution were duly forwarded to the Secretary of the Interior, to the honorable Speaker of the House of Representatives, and to each member of the delegation in Congress from the State of Oklahoma; and

Whereas up to this time the said resolution has not been presented to the Federal Congress for adoption and acceptance; and Whereas the Choctaw and Chickasaw Tribes of Indians, by virtue of the supplemental agreement, relinquished, ceded, and conveyed the lands contained in the said park to the United States of America, to be by it held, controlled, and owned absolutely and without any restriction as a national park for the use and benefit of all mankind forever; that the State of Oklahoma is unable financially to hold and maintain said park in a manner in accordance with the original intention of the Indian tribes; and that should the Federal Government not retain said park it must eventually fall into the hands of individual speculators; and

Whereas the patronage from the entire Southwest to Platt National Park has grown to such large proportions as shown by the records of the superintendent of said park for the years 1909, 1910, and 1911 that improvements should be made for the better accommodation of the growing number of annual visitors who avail themselves of the medicinal springs, as well as for the protection of the springs themselves, and that it is meet and fitting that this park, located as it is in the heart of the last home of the red man, should be held and controlled by the National Government: Therefore be it

Resolved, By the people of Sulphur and vicinity, in mass meeting assembled, in behalf of themselves, the Indian tribes, and the entire Southwest:

First. That we earnestly urge the acceptance by Congress of the aforesaid concurrent resolution of the Oklahoma Legislature forever fixing the title to the Platt National Park in the Federal Government; that we request that the appropriation for the park as recommended by the Secretary of the Interior be made by Congress at once; and, in addition, we urge the Congress of the United States to inaugurate such a course as will result in so improving and beautifying the park as to make it a fitting memorial to the Indian race so long as time shall last.

Second. That copies of this resolution be forwarded to Hon. SCOTT FERRIS, Hon. C. D. CARTER, Hon. BIRD MCGUIRE, Hon. DICK T. MORGAN, Hon. J. S. DAVENPORT, our Representatives in Congress; to Hon. CHAMP CLARK, Speaker of the House of Representatives; and to the Hon. ROBERT L. OWEN and Hon. THOMAS P. GORE, our Senators.

H. W. BROADBENT,
N. P. WOOD,
P. S. WILSON.

Unanimously adopted in mass meeting this 1st day of May, A. D. 1912.

GEO. C. BOLEND, Chairman.
P. S. WILSON, Secretary.

Our State is new, and there are many burdens to carry in a new State. We do not share the usual Government appropriations for waterways, shipbuilding, and so forth. I think it is not too much, with our large nontaxable Indian-land areas, for the new State to respectfully yet firmly ask the Federal Government to retain the park and provide well for it, as they ought to do.

The House ought to afford the park the full estimate of \$53,455, but surely it will be entitled to the small increase asked for by my amendment. I ask for a vote and for the adoption of the amendment just offered.

Mr. FITZGERALD. To carry out the good faith in the treaty made many years ago with the Indians. I did so because I believed it desirable to keep faith with these wards of the Nation. According to the statement of residents of Oklahoma, there are in this national park springs of medicinal character unrivaled on the face of the earth. And a prospectus issued by a gentleman living in Sulphur Springs set out how the lame, the halt, and decrepit were carried from railroad trains in the evening to these springs in the park and, after taking one long, exhilarating draft, immediately walked away with the youth, health [laughter and applause] of the most vigorous man that the country possesses.

And this treasure, this very valuable property, the Congress endeavored to give to the State of Oklahoma, and the gentleman from Oklahoma and his colleagues resented any attempt to take from the United States this most valuable possession. Now, I do not believe the gentleman should complain that after the United States endeavored to give this valuable park

to his State that it does not squander any unnecessary money upon it.

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

Mr. FITZGERALD. Certainly.

Mr. HOWARD. Is it not a fact that they moved the town back twice to get this Sulphur Springs Park? I understand the town was lower down and it was moved back to get the benefit of these springs. Now, does not the gentleman think, in view of that fact, the gentleman from Oklahoma ought to have the limit increased?

Mr. FITZGERALD. We have given all the money they can possibly expend in salaries, and there is nothing else to do. There is nothing to protect. The 833 acres of land will not go to rack and ruin. They will stay there and the springs will continue and the grateful multitudes will continue to come to those springs and go away rejoicing, benefited by their sojourn.

Mr. MORGAN. Mr. Chairman, I hope the amendment offered by my colleague from Oklahoma will be adopted.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is there an amendment pending?

The CHAIRMAN. There is an amendment pending.

Mr. MANN. It was not reported.

The CHAIRMAN. It has been reported once, but the Clerk will report it again.

The amendment was again reported.

Mr. MORGAN. Mr. Chairman, the estimate, as stated by my colleague, for the improvement of this park was in excess of \$50,000. There is no question but all these improvements should be made. There is no question but what the Platt National Park ought to have the same consideration as other national parks in the United States, and I hope that this little increase of from \$5,000 to \$10,000 will be carried.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Without objection, the request of the gentleman from Oklahoma will be granted. [After a pause.] No objection is heard.

Mr. WARBURTON. Mr. Chairman, I would like to make the same request.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] The Chair hears no objection.

Mr. MORGAN. Mr. Chairman, I make the same request.

The CHAIRMAN. Without objection, the request will be granted. [After a pause.] No objection is heard.

Mr. MANN. Mr. Chairman, I ask unanimous consent to pass over the items under the heading of Government Hospital for the Insane, under the head of Howard University, and under the head of Freedmen's Hospital. I ask that they be passed over temporarily.

The CHAIRMAN. Is there objection to the request. [After a pause.] No objection is heard. The Clerk will read.

The Clerk read as follows:

Penitentiary, Leavenworth, Kans.: For continuing construction of the new United States Penitentiary at Leavenworth, Kans., \$100,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. ANTHONY. Mr. Chairman, I move an amendment to this paragraph, that the amount of \$100,000, in line 25, page 111, be changed to \$167,000.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 111, line 25, strike out "\$100,000" and insert "\$167,000."

Mr. ANTHONY. Mr. Chairman, this paragraph provides that the sum appropriated shall be expended so as to give the maximum employment of the inmates of the penitentiary. That is a very necessary provision at that institution. The object of it is to keep the prisoners employed. The appropriation as carried in the bill of \$100,000 will not do this. The Department of Justice asks for \$167,000 with that idea in view, and if the bill is allowed to be enacted into law carrying only \$100,000 the project on foot there for construction will be but half completed. During the present year the convicts will be kept in idleness for fully six months in the year and will bring about a condition there that will result in manifest injury to the convicts. It is a well-known fact that a convict maintained in idleness simply rots in his cell. It would be not only an injustice to these poor men confined behind the bars, but it would be a definite loss to the Government in the loss of the labor of these men. The convicts in that penitentiary are now engaged on the work of constructing new buildings. They are construct-

ing a new penitentiary. If they are not given the required amount of money to carry on this work the Government simply loses the result of their labor. Therefore I ask the chairman of the committee if it is not a fact that the department has asked for \$167,000 in order to give this maximum of employment.

Mr. FITZGERALD. An estimate of \$167,000 was submitted. Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. Can the gentleman state how much has been expended at that institution since July 1, 1911, in construction work?

Mr. ANTHONY. I can not give the exact figures. I understand it is considerably more than the amount called for in the present bill.

Mr. BEALL of Texas. I will say this, that I thoroughly agree with the gentleman from Kansas that a sufficient amount ought to be given to utilize the time of the convicts there. I notice, however, that at the beginning of this fiscal year there was a balance on hand of about \$120,000, a surplus coming over from the preceding year; and in addition to that an appropriation of \$100,000 was made for construction work, which would make about \$220,000. I have not any information as to the amount that has been expended or the amount that is likely to be expended during this fiscal year.

Mr. ANTHONY. If that is the case, I should say the amount should be reappropriated in order to carry out the present plans that are under way.

Mr. BEALL of Texas. I think it has been.

Mr. ANTHONY. The gentleman is aware, in his Committee on Expenditures in the Department of Justice, that the department has already purchased there over \$100,000 of structural material, which is lying there on the ground and ought to be utilized. This committee should appropriate the amount to enable the men there to work that structural iron into those buildings, and I hope the amount will be raised.

Mr. FITZGERALD. Mr. Chairman, in 1908 and 1909 \$100,000 was annually appropriated for this purpose. For the fiscal year 1910 \$212,000 was estimated and \$100,000 was appropriated. For the current year \$125,000 was estimated and \$100,000 was appropriated.

There is a very good reason for continuing this work at this rate. It is practically the only work available upon which to utilize the convicts. It is not desirable that the work should be rushed and finished quickly. One hundred thousand dollars a year enables the Department of Justice to furnish employment to the convicts in this prison and to keep the work going on at a rate sufficiently rapid as not to impair the efficiency with which the work is done.

In view of the history of this work, and in view of the fact that the committee believed that it would be advisable, before the work proceeded much further, to recommend or have enacted some legislation that would put an end to the contracts under which the architects are obtaining very extraordinary fees, as appeared to the committee, there is no special reason why more rapid progress should be made in the next year than has been made in the last five years.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. MANN. My information is that these appropriations have been available under the law until expended. Is the gentleman able to say how much of a balance there will be at the end of this fiscal year?

Mr. FITZGERALD. They spend substantially this amount each year.

Mr. MANN. I understood the gentleman from Texas [Mr. BEALL] to say that there was available at the end of the fiscal year 1911 over \$100,000.

Mr. BEALL of Texas. One hundred and twenty-one thousand dollars.

Mr. FITZGERALD. What year?

Mr. BEALL of Texas. At the end of the last fiscal year there came over a balance of \$121,000, according to my information. Just what that balance will be for the present fiscal year I do not know.

Mr. FITZGERALD. I do not recall; but since 1908 the appropriations have been \$100,000 a year. There was no good reason, no good grounds shown, for that increase.

Mr. MANN. May I ask the gentleman from Texas [Mr. BEALL] what is his authority for saying that there was a balance of \$121,000 left at the end of the last fiscal year? That is pertinent, as showing how much they need to expend in a fiscal year.

Mr. BEALL of Texas. As chairman of the Committee on Expenditures in the Department of Justice, I have had an extended correspondence with the Attorney General's Office in regard to the construction work at Leavenworth, and from information received from that office I prepared a table that went into one of the hearings. That shows that \$121,000 was left over as a balance at the beginning of the present fiscal year.

Mr. MANN. Is the gentleman quite sure that that \$121,000 came out of this appropriation?

Mr. BEALL of Texas. For construction?

Mr. MANN. I think there is only the one.

Mr. BEALL of Texas. It comes out a balance, \$121,000 of money that has been appropriated for construction work at the Leavenworth Penitentiary. That is my information.

Mr. MANN. If it came out of this item, of course that would indicate that they had not been expending as much as \$100,000 a year.

Mr. BEALL of Texas. In some of the previous years there had been appropriations in excess of \$100,000. Those appropriations were available until expended, and there was an accumulation.

Mr. MANN. The gentleman from New York [Mr. FITZGERALD] stated that the amount appropriated since 1908 was \$100,000 a year. Those appropriations remain available until expended, as I recall, under the law.

Mr. FITZGERALD. That is true, and in each instance, with the exception of 1911, the estimate was in excess of the amount appropriated. These appropriations were made immediately available, and continue available until expended. The next bill will become a law before the 4th of March next, and this money will be supplemented by another appropriation at that time. There has been expended about \$1,800,000.

Mr. ANTHONY. I want to ask the gentleman from New York if it is not a fact that it is probable that this apparent balance will be taken up when contracts now outstanding are payable? For instance, suppose they make contracts for structural iron and other materials that may not be paid for at the termination of the fiscal year, but will be paid a few months later, if the appropriations are continued?

Mr. BEALL of Texas. If the gentleman will permit me, in the year 1907, for example, appropriations were made to the amount of \$300,000. There seem to have been two appropriations. Only \$170,000 was spent.

Mr. FITZGERALD. In 1907 the appropriation was \$200,000.

Mr. BEALL of Texas. No; it was \$300,000. There was one appropriation of \$200,000, and on March 4, 1907, another appropriation of \$100,000. On May 27, 1908, there was another \$100,000. In that year \$123,000 was spent. The next year there was \$100,000, and \$100,000 spent. The next year there was an appropriation of \$100,000, and \$108,000 spent. The next year there was an appropriation of \$100,000, and \$120,000 spent. Total appropriation for Leavenworth Penitentiary, \$1,789,000. Total expenditures there for construction work, \$1,667,000, leaving a balance on hand June 30, 1911, of \$112,000, instead of \$121,000, as I stated a moment ago.

Mr. ANTHONY. Mr. Chairman, in regard to the necessity for the increase of this amount for construction, I am informed that a reduction of this estimate means that the overcrowding in the institution, which brings about such bad results, will be continued for another year. One of the facts developed in the hearings before the Committee on Expenditures in the Department of Justice was that with the present limited cell capacity there was the necessity for putting two convicts into one cell. That is a practice that is recognized to be a bad one in all penal institutions, and it is a situation that the Department of Justice is very anxious to remedy. This additional money is needed to build a new block of cells there, and I absolutely believe, and I believe that the chairman of the Committee on Expenditures in the Department of Justice believes, and I believe the gentleman from Georgia, who is familiar with the institution in his State, believes that there is the utmost necessity for a cell for each convict in these institutions which are now being constructed by the Government. There is no question but that the additional amount asked for should be given.

Mr. FITZGERALD. The gentleman knows that there is no excuse for crowding these prisons. There is a very large appropriation, \$500,000, to provide for them in State penitentiaries.

Mr. ANTHONY. Yes; but the department does not want to scatter all their prisoners in that way.

Mr. FITZGERALD. They ought to do that rather than put them in cells under conditions that can not be defended. Congress gives an appropriation for that purpose.

Mr. ANTHONY. The addition of about \$40,000 more for construction at each of these institutions will obviate that difficulty.

Mr. FITZGERALD. It will not. They could not expend it before the next bill becomes a law.

The CHAIRMAN. The time of the gentleman has expired. The question is on the adoption of the amendment.

The question being taken, on a division (demanded by Mr. ANTHONY) there were—ayes 15, noes 32.

Accordingly the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the word "penitentiary," in line 3, page 112, the following:

"Provided, That not exceeding \$3,500 of the above appropriation of \$100,000 shall be paid as compensation in any form for the services of any architect or architects."

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, I believe that the amendment offered by the gentleman from Texas is a good one. I believe it is possible to carry on the work of construction at Leavenworth and at Atlanta, and that the amount carried in the amendment will be sufficient to provide necessary architectural superintendence. The fact is that the Government now owns the plans for both of these institutions. As I understand it, it had already, in its previous contracts with these architects, purchased their plans. It has the present working plans, and all that is necessary at either of these institutions now is to provide a sufficient salary to pay a constructing architect to supervise the carrying out of the plans the Government now owns. I do not believe there is the slightest necessity for paying 5 per cent on the cost of construction from this time on.

The facts are, on the other hand, that I do not believe blame can be attached to the Department of Justice for the making of the 5 per cent contract. As I understand it, 5 per cent is the usual fee asked by the American Institute of Architects upon such work. It is the usual fee which the Government pays in the Treasury Department to architects for supervising the construction of Government work.

Take the great work at Annapolis, where the Naval Department has finished the expenditure of \$10,000,000 in rebuilding that institution. I investigated that in looking up the developments brought out before the Committee on Expenditures in the Department of Justice in reference to these prisons, and I found that at Annapolis we have paid out nearly \$500,000 to architects for fees. I found that at Key West, where the Government has expended about \$7,000,000 for new construction work, we have paid out to architects 5 per cent on that amount, nearly \$350,000. I consider that an exorbitant charge and extravagant, and yet it is the usual fee that architects are paid for private work.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BEALL of Texas. That 5 per cent of which the gentleman speaks would be a fee that would be paid an architect when he began the work, for services in planning, designing, and supervising the construction of the building. Here this 5 per cent was agreed to be paid these architects years after the construction of the buildings had begun, when hundreds of thousands of dollars of construction work had already been erected, when the general design must have been adopted, and the general plans and specifications approved.

Mr. ANTHONY. And yet on the other hand the Department of Justice fears that if these architects would withdraw from the work, which they were carrying on at that time, the Department of Justice would be unable to continue with that work. As I understand it, the new contract was entered into on account of a threat of the architects to withdraw from the work.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman that that is entirely new to me. I never before heard a suggestion of that kind.

Mr. FITZGERALD. The new contract was entered into because of the expiration of the old contract.

Mr. MANN. Mr. Chairman, I have a very high regard for both the ability and the fairness of the gentleman from Texas [Mr. BEALL]. I have been impressed with what he has said, and yet my recollection is that the fee now prescribed by the American Institute of Architects is 6 per cent and not 5 per cent. I am not sure about that, but I think that is the case.

Mr. FITZGERALD. It is 6 per cent. That is the rate within recent years that members of the American Institute of Architects are compelled to charge if they enter into competition;

but they are permitted to make any charge they please if they do not do work as a result of competition.

Mr. MANN. Then my understanding that the rate is 6 per cent is correct. It is quite probable that that rate ought not to be paid at the Fort Leavenworth Penitentiary, and very likely the gentleman is absolutely correct in his deduction that \$3,500 is sufficient now to pay. I have no doubt whatever, if the gentleman would get all the facts, that he would say that there was nothing improper in entering into this contract, and that probably it was to the interest of the Government where Congress had not acted.

If we say that not more than \$3,500 can be paid for architects' services, we take that responsibility, and the administrative officers are relieved from responsibility in case the work does not progress or in case the architect services do not provide a proper building.

Mr. BEALL of Texas. Mr. Chairman, I would state to the gentleman that I have endeavored to ascertain all the facts that can be ascertained in connection with the making of the new contract, and I have never been able to find any reason why the original contract was modified, except the fact that the architect wanted an increase of compensation.

Mr. MANN. I presume that was the reason.

Mr. BEALL of Texas. I never heard any suggestion that there was any threat of their discontinuing their services or of the work being interrupted in any way.

Mr. MANN. Mr. Chairman, I long ago learned by observation, if not by experience, that very few people appreciate the value of professional services, except those who render them. Professional fees always seem high to those upon the outside, and very often to those who pay them. I have heard this question of architects' fees discussed in the House here for a good many years at different times, denunciations of the American Institute of Architects, and it may be that their fees are too high and ought not to be paid.

But they go ahead collecting that, as a rule, from private individuals. As I understand, in the opinion of the gentleman, and as I said before I have a very high regard for his opinion, if this limitation is put on the bill it will not affect the construction of this work.

Mr. BEALL of Texas. I do not think, Mr. Chairman, it would. In my judgment, instead of appropriating \$3,500 a year, we ought not to appropriate anything for architects, because I think the superintendent of construction with the material that he has available will be able to continue the work upon that building.

Mr. MANN. While I have a high regard for the gentleman's judgment, I would not agree with him on that. I believe it is desirable in the construction of a building anywhere to have the services of an architect in addition to the services of a constructor. I think anyone who constructs a building would agree as to that.

Mr. FITZGERALD. Mr. Chairman, I shall not oppose the amendment. The only doubt in my mind is whether it either goes far enough or whether this work should not be done under the control of the Supervising Architect of the Treasury Department.

Mr. MANN. The gentleman will admit that will probably cost more than \$3,500 a year.

Mr. FITZGERALD. It will not, and I can explain very easily. The plans have been prepared and all paid for. For the four years from 1909 to the present time \$400,000 was appropriated, and the architects got 10 per cent of that amount. Under their contract 1 per cent was for design, 1½ per cent for general drawings and specifications, 1½ per cent, if I recollect correctly, for supervision. Their contract contains some interesting features. They are paid in addition to the fee:

The actual, reasonable, and necessary traveling expenses of the architects or their representatives or employees while engaged in the performance of the work covered by this contract, it being understood that it will be necessary to some extent to travel, especially between St. Louis, Washington, Atlanta, and Leavenworth.

Telegraph, telephone, and messenger service reasonably necessary to conduct by the architect of the contract service.

The reasonable expense of surveys and of chemical and mechanical tests.

Franked envelopes and wrappers and official stationery, reasonably adequate to the needs of the architect to perform the contract work, shall be furnished to them by the United States, to be used by the architect only in accordance with the law and with the regulations of the Post Office Department.

The feature of the contract which I believe is open to the most severe criticism is the manner in which the value of the building is reached in order to estimate the compensation of the architect. They do not figure upon the material and value of the labor put into the building, convict labor being used, but the contract provides for the payment of compensation on the market value of the completed building. Gentlemen can easily un-

derstand what a margin there may be for estimation as to what may be the market value of a building when completed. Now, under this contract the United States is required to employ and pay at both of these penitentiaries competent superintendents of construction to carry out the plans and designs of the architect. It is very easy, it seems to me, to put this work entirely on the Supervising Architect of the Treasury, but it was because the committee was not in a position to come to some definite conclusion as to the wisest course to pursue that no recommendation was contained in this bill. The gentleman from Texas [Mr. BEALL] last summer went into the matter exhaustively, and I am prepared to follow whatever his judgment may be in this matter.

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, will the gentleman permit me to state there is a very good reason for ordering that steel in advance? Now, it takes three or four years to build one of these steel houses, and when you order the steel it is necessary, as I understand it, to order the entire amount of steel that will be needed for one of these houses. They can not order the amount which will be needed for one year only, but the entire amount of steel must be fabricated at once, and I understand that is the reason why they have that steel on hand that will not be used for a year or two.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Texas that there is 1½ per cent under the contract for superintendence and 1 per cent for detailed plans. That would make 2½ per cent of the 5 per cent, and under the gentleman's provision they might pay as much as 3½ per cent out of this appropriation.

Mr. BEALL of Texas. At least we will have the assurance they will not get but \$3,500 during the next 12 months, and we would not repeat the experience that we had of paying \$32,000 in eight months.

Mr. SHERLEY. Will the gentleman answer me this? I am in thorough sympathy with this and I think the gentleman is right, yet we have this contract. It may be the Attorney General had the right to make it. How are we going to get away from it?

Mr. BEALL of Texas. I do not imagine they will receive the appropriation unless Congress makes the appropriation for it.

Mr. SHERLEY. I understand that, but they would have a claim against the Government which having once been decided by the Court of Claims would probably be paid as we pay other claims.

Mr. BEALL of Texas. I will state to the gentleman I understood that there are many thousands of claims against the Government, and it is a very difficult and strenuous undertaking to get one of them adjudicated with the Court of Claims.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SHERLEY. In order to make the record complete I shall ask permission to insert in the RECORD the contract itself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears no objection.

Mr. SHERLEY. The contract is as follows:

1. This agreement, made this 1st day of April, 1910, by and between the United States of America (hereinafter referred to as the United States), party of the first part, acting through its Department of Justice, and William S. Eames and Thomas C. Young, architects, being copartners practicing their profession under the firm name "Eames & Young" (hereinafter referred to as the architects), parties of the second part, witnesseth: That—

2. Whereas the architects are now under employment by the United States as architects for the United States penitentiaries at Atlanta, Ga., and Leavenworth, Kans., under contract which expired by limitation on June 30, 1909, the buildings are not yet completed, and it is the mutual desire of the parties to renew said employment until said buildings shall be completed;

3. Now, therefore, it is hereby mutually contracted and agreed between the parties hereto, as follows:

4. The United States hereby reappoints and reemploys the architects (who accept said employment) as architects for the buildings herein-after described, and for the period of time beginning January 1, 1910, and continuing until the construction of all of said buildings has been completed, provided that Congress shall make the necessary appropriations to continue said work.

5. The buildings, in connection with which architectural services are to be rendered under this contract, consist of the main cell wings, the administration building, the hospital building, wall surrounding prison, and addition to stables at Atlanta, Ga.; and the main cell wings, rotunda, administration building, and the hospital building at Leavenworth, Kans.

6. The professional services to be rendered by the architects shall consist of:

7. The necessary conferences, the preparation of preliminary studies, working drawings, large scale and full-size detail drawings, specifications, and of the general direction and customary supervision of the work. This is understood to mean the usual architectural services in connection with said construction.

8. The architects shall furnish specifications from time to time when necessary for the proper letting of contracts for materials, etc., and also such oral or written instructions or directions as are necessary for the proper information of the superintendents of construction.

9. The United States will advertise for and obtain the necessary proposals for materials, contract work, or things as may be required under the specifications, and shall receive and open same on the specified date. Such proposals may, in the discretion of the Department of Justice, be referred to the architects, who shall carefully consider them and recommend the acceptance of the one which, in their opinion, is the lowest and best, with a view solely to the interests of the United States in connection with its use for structural purposes.

10. The architects shall issue certificates of payment to contractors, upon written notice from the wardens that the materials or things have been duly received and checked by the superintendents of construction, according to the terms of the contract.

11. The supervision or superintendence to be furnished by the architects shall consist of such inspection, by themselves or their authorized representative, of the buildings and works in process of erection, completion, or alteration as may be necessary to ascertain whether the work is being executed in general conformity with their drawings, specifications, or directions. This embraces schedules of materials in such form that proposals may be obtained thereon; estimates of quantities where necessary, approval of materials, approval of shop drawings; expert advice, all necessary correspondence.

12. The architects shall have authority, and it shall be their duty, to reject any part of the materials or work that they find does not conform to the said drawings, specifications, and instructions, and to order its removal and reconstruction. They shall also have authority to act according to their judgment in all emergencies that may arise during the construction, and to order such changes in the work as they may consider necessary, and to determine and define the meaning of the drawings and specifications.

13. The architects shall furnish two sets of blue prints of all scale drawings needed for use at each penitentiary, but the cost of all additional blue prints and of all reproductions of drawings or specifications for the use of intending bidders or contractors shall be paid by the United States.

14. The working drawings, which shall in general conform to approved preliminary studies, with such minor or incidental modifications as may be necessary or desirable to carry them out to their best conclusions, shall be subject to the approval of the Attorney General.

15. After a definite scheme as to any part of the work has been approved by the United States, any changes in drawings, specifications, or other working papers or documents that may be required by the United States, shall be considered extra work and compensated as such. Any extra labor or expense which may fall upon the architects as the result of the delinquency, insolvency, or bankruptcy of any contractor or material man shall be considered extra work and compensated as such.

16. The drawings and specifications, as instruments of service, are and shall remain the property of the architects; and the United States, though retaining said blue prints, shall not use them for any other building.

17. The compensation for the contract services to be rendered by the architects shall be ascertained as follows:

It is agreed that the estimate of cost of completing said buildings under present plans from the continuation of the date of this agreement by any party other than the Government would be as set forth below, the Government being enabled, by the use of convict labor, to complete said construction at a less sum; and it is further agreed that the architects shall be paid a commission of 5 per cent on the amounts herein estimated as the value of said completion, as set forth in detail in the following table:

United States Penitentiary, Atlanta, Ga.

Main cell building:

Brick—		
Common, 1,820 M, at \$17	\$30,940	
Enamel, 24 M, at \$90	2,160	\$33,100
Granite, 84,200 cubic feet, at \$3.25		273,650
Structural steel and iron, 285 tons, at \$70		19,950
Other steel and iron—		
1,280 linear feet gallery, complete, \$3.50	4,480	
Grilles and gates	9,250	
Miscellaneous	400	
		14,130
Roof slab, 33,000 square feet, at 35 cents		11,550
Slate, 330 squares, at \$18		5,940
Copper ridge, gutters, cresting	4,020	
Copper lantern	4,800	
		8,820
Floor construction—		
42,800 cubic feet concrete, at 30 cents	12,840	
54,800 square feet finish, at 15 cents	8,220	
		21,060
Cells (no design), steel frame, concrete floors and partitions—		
Steel frame	16,000	
Concrete	24,000	
Steel fronts, including locking device	64,000	
Galleries, stairs, etc	6,400	
Plastering	4,800	
		115,200
Marble		2,000
Plastering—		
3,400 square yards furring and lathing, at 35 cents	1,190	
7,400 square yards plastering, at 50 cents	3,700	
		4,890
Carpentry, joinery, and millwork		11,400
Hardware, including operating devices for large windows		3,700
Glazing		4,250
Painting		4,800
Plumbing		61,000
Heating and ventilating		17,800
Electrical work		3,200
Immediate approaches		1,000
Miscellaneous		5,000
Market value of uncompleted work		622,440

Administration building:

Brick—		
Common, 335 M, at \$17	\$5,695	
Enamel, 17 M, at \$90	1,530	\$7,225
Granite, 14,800 cubic feet, at \$3.50		51,800
Structural steel and iron, 60 tons, at \$65		3,900
Other steel and iron—		
Grilles	800	
Stairs	1,500	
2 lamp standards	1,600	
Miscellaneous	200	
		4,100
Roof—		
Concrete, 3,900 cubic feet, at 30 cents	1,170	
Tile, 39 squares, at \$30	1,170	
Copper	400	
Skylight	350	
		3,090
Floor construction, concrete, 11,100 cubic feet, at 30 cents		3,330
Floor finish—		
Cement, 4,400 square feet, at 15 cents	660	
Granitoid, 3,800 square feet, at 20 cents	760	
		1,420
Marble		3,100
Vault doors		400
Plastering—		
Furring and lathing	420	
4,600 square yards plaster, at 45 cents	2,070	
Ornamental	800	
		3,290
Carpentry		1,500
Millwork, joinery, flooring		7,000
Hardware		850
Glazing		1,000
Painting		1,200
Plumbing		2,500
Electrical work, including fixtures		1,750
Heating and ventilating		4,900
Miscellaneous		2,000
Immediate approaches		16,400
Market value of uncompleted work		120,755

Hospital building:

Brick—		
Common, 610 M, at \$17	10,370	
Face, 102 M, at \$22	2,244	12,614
Stone Mountain granite—		
2,500 cubic feet, at \$3.25		8,125
Structural steel and iron, 185 tons, at \$65		11,825
Other steel and iron—		
Grilles, grates, sun room, etc	3,250	
Stairs	1,360	
		4,610
Roof—		
Concrete, 12,000 square feet, at 20 cents	2,400	
Slate, 120 squares, at \$18	2,160	
Copper	2,950	
		7,510
Floor construction—		
Concrete, 34,200 cubic feet, at 30 cents		10,260
Floor finish—		
Cement, 10,700 square feet, at 15 cents	1,605	
Granitoid, 3,800 square feet, at 20 cents	760	
Asphaltic, 4,600 square feet, at 25 cents	1,150	
		3,515
Structural terra cotta—		
15,200 square feet partitions, at 15 cents		2,280
Marble		3,150
Plastering—		
Furring and lathing	340	
Plastering 9,400 square yards, at 45 cents	4,230	
Rough cast (exterior)	280	
		4,850
Carpenter work		2,650
Millwork, joinery, flooring		8,400
Hardware		1,140
Glazing		1,610
Painting		1,940
Plumbing		6,400
Heating and ventilation		8,100
Electrical work, including fixtures		2,200
Elevator		3,000
Immediate approaches		1,000
Miscellaneous		2,000
Market value of incompleted work		107,179

Inclosing wall:

Concrete, 2,140 cubic yards, at \$9	19,260
Gallery	1,400
Steel and iron	1,200
Copper	1,000
Miscellaneous	500
Market value of uncompleted work	23,360

Addition to stables:

Market value	11,200
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United States Penitentiary, Leavenworth, Kans.

Main cell wings:

Brick—		
Common, 2530 M, at \$18	\$45,540	
Enamel, 13 M, at \$100	1,300	\$46,840
Batesville limestone, 85,400 cubic feet, at \$3.60		307,440
Structural steel and iron, 860 tons, at \$70		60,200
Other steel and iron—		
1,600 feet gallery, complete, at \$3.50	5,600	
Grilles and gates	5,580	
Miscellaneous	340	
		11,520

Main cell wings—Continued.

Roof, slab, 46,000 square feet, concrete, at 35 cents	\$16,310
Slate, 466 square feet, at \$20	9,320
Copper ridge, gutters, flashing	4,960
Floor construction—	
59,000 cubic feet, concrete, at 30 cents	\$17,700
76,400 square feet, finish, at 15 cents	11,460
	29,160
Cells (no design), steel frame, brick-partition walls, concrete floors—	
Steel frame	20,000
Brick	22,000
Concrete	15,000
Steel fronts, including locking device	80,000
Basement doors	6,000
Galleries, stairs, etc	8,000
Plastering	6,000
	157,000
Marble	3,000
Plastering—	
4,600 square yards furring and lathing, at 40 cents	1,840
9,200 square yards plastering, at 50 cents	4,600
	6,440
Carpentry, joinery, and millwork	14,200
Hardware, including operating devices for large windows	4,100
Glazing	7,000
Painting	6,500
Plumbing	69,000
Heating and ventilation	25,800
Electrical work	4,200
Immediate approaches	1,600
Miscellaneous	5,000
Market value of uncompleted work	789,590

Rotunda:

Brick—	
Common, 850 M, at \$18	17,000
Enamel, 18 M, at \$100	1,800
	18,800
Batesville limestone—	
32,800 cubic feet, at \$4	131,200
8,800 cubic feet, at \$5—curved work	44,000
5,300 cubic feet, at \$6—dome roof	31,800
Centers and special scaffolding	4,500
	211,500
Structural steel and iron—	
Floors and roof, 160 tons, at \$70	11,200
Inner dome, 50 tons, at \$100	5,000
	16,200
Other steel and iron—	
Grilles and gates	2,700
Gallery	2,100
Staircases	4,500
Miscellaneous	2,000
	11,300
Concrete, etc.—	
Floors, 27,000 cubic feet, at 30 cents	8,100
Roofs, 4,000 cubic feet, at 30 cents	1,200
Cement finish, 5,000 square feet, at 15 cents	750
Granitoid, 10,500 square feet, at 20 cents	2,100
Composition, 4,000 square feet, at 30 cents	1,200
	13,350
Skylights	2,460
Copper lantern and flashings	3,100
Plastering—	
Furring and lathing, 1,800 square yards, at 50 cents	900
Plain plastering, 6,500 square yards, at 50 cents	3,250
Ornamental	5,000
Inner dome	4,000
Scaffolding for dome	2,200
Caen stone plaster up to cornice (1,700 yards at \$5)	8,500
Miscellaneous	1,200
	25,050
Marble—	
Floor of rotunda, 3,400 square feet, at \$1	3,400
16 columns, at \$280	4,480
Railing of balcony	3,200
Wainscoting, 4,400 square feet, at \$2	8,800
	19,880
Carpentry, joinery, and millwork	6,200
Hardware	6,200
Glazing	1,050
Painting	1,200
Plumbing	2,500
Heating	4,100
Electrical work, including fixtures	11,300
Miscellaneous	6,250
	5,000
Market value of uncompleted work of rotunda	359,240

Administration building:

Excavation	500
Concrete foundations, 135 cubic yards, at \$7	945
Brick—	
Common, 495 M, at \$18	8,910
Enamel, 24 M, at \$100	2,400
	11,310
Batesville limestone—	
38,200 cubic feet, at \$4	152,800
Structural steel and iron, 180 tons, at \$70	12,600
Other steel and iron—	
Grilles	1,750
Stairs	1,800
Miscellaneous	300
	3,850
Roof—	
Concrete, 4,400 cubic feet, at 30 cents	1,320
Composition, 4,400 square feet, at 30 cents	1,320
Copper	725
Skylights	420
	3,785

Administration building—Continued.

Floor construction—	
Concrete, 28,200 cubic feet, at 30 cents	\$8,460
Floor finish—	
Cement, 13,500, at 15 cents	\$2,025
Granitoid, 5,000, at 20 cents	1,000
	3,025
Marble	4,800
Vault and fittings	1,800
Plastering—	
Furring and lathing	200
Plastering, 8,200 square yards, at 50 cents	4,100
Ornamental	1,100
	5,400
Carpentry	1,800
Millwork, joinery, flooring	8,200
Hardware	1,100
Glazing	1,350
Painting	1,400
Plumbing	2,500
Electrical work and fixtures	2,100
Heating and ventilation	6,260
Miscellaneous	2,000
Immediate approaches	10,200
Market value of uncompleted work	246,185

Hospital building:

Brick—	
Common, 680 M, at \$18	12,240
Face, 120 M, at \$23	2,760
	15,000
Batesville limestone, 3,500 cubic feet, at \$3.60	12,600
Structural steel and iron, 190 tons, at \$70	13,300
Other steel and iron—	
Grilles, gates, sun room, etc	3,290
Stairs	1,360
	4,650
Roof—	
Concrete, 10,800 square feet, at 20 cents	2,160
Slate, 108 squares, at \$20	2,160
Copper	2,640
	6,960
Floor construction—	
Concrete, 30,800 cubic feet, at 30 cents	9,240
Floor finish—	
Cement, 10,000 square feet, at 15 cents	1,500
Granitoid, 3,500, at 20 cents	700
Asphaltic, 4,200, at 25 cents	1,050
	3,250
Structural terra cotta—	
14,300 square feet partitions, at 15 cents	2,145
Marble	2,950
Plastering—	
Furring and lathing	320
Plastering, 8,200 square yards, at 50 cents	4,100
Rough cast (exterior)	250
	4,670
Carpenter work	2,300
Millwork, joinery, flooring	7,700
Hardware	1,030
Glazing	1,580
Painting	1,900
Plumbing	6,400
Heating and ventilation	7,850
Electrical work, including fixtures	2,040
Elevator	3,200
Immediate approaches	1,000
Miscellaneous	2,000
Market value of uncompleted work	111,765

Payments to be made to the architects of such commission shall be apportioned as follows:

For design	1 per cent.
General drawings and specifications	1½ per cent additional.
Details and specifications	1 per cent additional.
Superintendence	1½ per cent additional.
Total	5 per cent.

The said respective commissions of 1 per cent "for design," 1½ per cent for "general drawings and specifications," and 1 per cent for "details and specifications," shall be due when said "design," "general drawings and specifications," and "details and specifications," respectively, shall be completed and delivered by the architects. The commission of 1½ per cent on account of superintendence shall be due quarterly as the work proceeds in proportion to the amount of work done. And the commissions as herein set forth shall be paid as they severally become due, except when, in the opinion of the Attorney General, to make such payments would so deplete the available appropriations as to cause delay or interfere with the progress of the construction work, in which event payment shall not be made until sufficient funds are available for the purpose. In no event shall a greater amount be paid the architects than is actually due them at the time of payment for services actually performed.

18. With respect to any building or work not included in this contract the construction of which shall hereafter be directed by the Attorney General, it is agreed by the parties hereto that no commission for architectural services shall be paid under this contract. Architectural services for such building or work shall be subject to a new contract, if the parties hereto mutually desire to enter into the same, based upon an estimated value as in the case of the buildings covered by this contract.

19. It is mutually agreed by the parties hereto that the terms of a certain contract between Eames & Young and Charles J. Bonaparte, former Attorney General, which covered the employment of Eames & Young as architects for the penitentiaries herein mentioned for the fiscal year ending June 30, 1900, are hereby extended to cover the period between the expiration of that contract and the time when this contract goes into effect.

20. In case any part of the work covered by this contract shall be changed then the estimate of the value of the same, as it appears in the foregoing tables, shall be revised so that it shall represent the cost of completing said work according to the changed plans, were said work to be performed by any party other than the Government.

21. In case any part of the work covered by this contract shall before completion be abandoned, or indefinitely postponed by the United States, the compensation of the architects shall be in accordance with the schedule hereinbefore mentioned showing the apportionment of their commission of 5 per cent for such services as shall have been actually performed by them.

22. The United States will pay for the services of two competent superintendents of construction, one for each of said penitentiaries, who will conduct and execute the work according to the plans, specifications, and directions of the architects, and in other respects under the supervision and orders of the warden, acting as the local representative of the United States on the works.

23. The United States shall, in addition to the compensation herein provided, pay the following expenses:

24. The actual, reasonable, and necessary traveling expenses of the architects, or their representatives or employees, while engaged in the performance of the work covered by this contract, it being understood that it will be necessary to some extent to travel, especially between St. Louis, Washington, Atlanta, and Leavenworth.

25. Telegraph, telephone, and messenger service reasonably necessary to the conduct by the architects of the contract service.

26. The reasonable expense of surveys, and of chemical and mechanical tests.

27. Franked envelopes and wrappers, and official stationery, reasonably adequate to the needs of the architects in performing the contract work, shall be furnished to them by the United States, to be used by the architects only in accordance with law and with the regulations of the Post Office Department.

28. It is further covenanted and agreed by and between the parties hereto that in case both of said parties of the second part shall through any cause become unable to complete the foregoing contract, or if the conduct of the said parties of the second part is such that the interests of the United States are thereby likely to be placed in jeopardy, or if the said parties of the second part violate any of the conditions or stipulations of this contract, the Attorney General, acting for and in behalf of the said party of the first part, shall have the right to revoke this contract and the commission awarded thereunder as to the portion then unperformed, and to complete or cause to be completed said contract; and he may, in his discretion, use for that purpose all designs, plans, details, drawings, specifications, etc., which may have been prepared by said parties of the second part, provided, in such case, however, that the parties of the second part shall receive equitable compensation for all services properly performed under this contract up to the date of its revocation, such compensation to be fixed by the Attorney General upon the basis of the percentages herein provided for. It is agreed, however, in order to prevent the suspension of the contract services through a dissolution, by death or otherwise, of said firm, parties of the second part herein, that the services hereunder may and shall thereafter be rendered by the survivor or successor in practice of said firm, and such dissolution shall not be construed to constitute inability to complete this contract within the meaning hereof.

29. It is an express condition of this contract that no Member or Delegate to Congress, or other person whose name is not at this time disclosed, shall be entitled to any share in this contract or to any benefit to arise therefrom; and it is further covenanted and agreed that this contract shall not be assigned.

30. In witness whereof the parties hereto have signed triplicate copies hereof, by their respective authorized representatives, the day and year first above written.

THE UNITED STATES OF AMERICA,
By GEO. W. WICKERSHAM,
Attorney General.

EAMES & YOUNG,
By T. C. YOUNG,
Member of firm.

Witnessed:

JAMES H. HENNESSY.

The CHAIRMAN. The question is on the amendment.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Penitentiary, Atlanta, Ga.: For continuing the construction of the United States Penitentiary at Atlanta, Ga., \$75,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. MANN. Mr. Chairman, I move to strike out the last word. May I ask the gentleman from Georgia [Mr. HOWARD] how much time he thinks this item will take with his amendment?

Mr. HOWARD. I do not think it will take over 10 or 15 minutes. It will depend on how much time the committee might want.

Mr. MANN. Will it be perfectly agreeable to the gentleman to offer it to-morrow?

Mr. HOWARD. Perfectly.

Mr. MANN. The gentleman might offer the amendment now and let it be considered to-morrow.

Mr. HOWARD. Mr. Chairman, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amend, line 6, page 112, by striking out "\$75,000" and inserting in lieu thereof "\$175,000."

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, 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. 25069, the sundry civil appropriation bill, but had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. PETERS, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Robert Downing (H. R. 15220), Sixtieth, Sixty-first, and Sixty-second Congresses, no adverse report having been made thereon.

SALTON SEA (S. DOC. NO. 846).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Rivers and Harbors:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of the Interior inclosing an appeal from the board of supervisors of Imperial County, Cal., for further appropriations of money and further works for the protection of lands and property in the United States against the flood waters of the Colorado River.

In my message dated February 2, 1912, transmitting data of the work of the Interior Department, published as House Document No. 504, Sixty-second Congress, second session, there is contained a report of the engineer in charge of the work of protection done under the act of June 25, 1910, appropriating \$1,000,000 for this purpose, and also a report of a special board convened by my direction to review this report and advise what further work should be done along the lower Colorado River for the protection of the interests of the United States. In this report of the special board, dated June 7, 1911, there will be found a recommendation that certain additional work should be at once executed, and an estimate of \$1,000,000 as necessary for this work.

In my message I stated that I did not at that time make a definite recommendation, for the reason that the plan to be adopted for the betterment of conditions near the mouth of the Colorado River proves to be so dependent on a free and full agreement between the Government of Mexico and the Government of the United States as to joint expenditure and joint use that it is unwise to move until we can obtain some agreement with that Government which will enable us to submit to Congress a larger plan, better adapted to the exigencies presented than the one adopted. As stated in this message, the matter was being pressed upon the attention of the Mexican Government and favorable progress has been made in the negotiations. However, it is not probable that the negotiations with Mexico can be consummated before the adjournment of Congress, and it is therefore desirable to provide against a possible emergency which may arise after Congress has adjourned.

Since the report of the special board above referred to a part of the work proposed has been executed, and it is believed that the work will prove adequate for the protection of the lands in Imperial Valley against serious overflow during the present flood, which materially exceeds the average flood in volume, but as shown in the letter of the Secretary of the Interior the Colorado River, since the date of the report of the special advisory board, began and has continued to cave its banks, until the protecting levee on the Mexican side, about 7 miles below the intake of the Imperial Canal, is threatened, and apprehensions are aroused that the Colorado will again cut a deep channel into the Imperial Canal and flow again into Salton Sink, with disastrous results to American lives and property.

I request that the recommendation of the Secretary of the Interior be followed and that an appropriation of \$1,250,000 be made to meet any emergencies that may arise for the construction of levees and revetments along the Colorado River and for the protection of property in the United States from damage by the flood waters of that river, and to be expended, in whole or in part, for the purposes stated and under the direction of the President of the United States.

WM. H. TAFT.

THE WHITE HOUSE, June 14, 1912.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 21230. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21597. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20585. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 23799. An act to amend "An act to authorize the Dauphin Island Railway & Harbor Co., its successors or assigns, to construct and maintain a bridge or bridges or viaducts across the water between the mainland, at or near Cedar Point, and Dauphin Island, both Little and Big; also to dredge a channel from the deep waters of Mobile Bay into Dauphin Bay; also to construct and maintain docks and wharves along both Little and Big Dauphin Islands";

H. R. 16612. An act authorizing and directing the Secretary of the Interior to convey a certain lot in the city of Alva, Okla.;

H. R. 13041. An act to provide for the support and maintenance of bastards in the District of Columbia;

H. R. 23063. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war; and

H. R. 22261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

COST OF LIVING IN FOREIGN COUNTRIES (H. DOC. NO. 833).

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, ordered to be printed and referred to the Committee on Ways and Means.

To the Senate and House of Representatives:

I herewith transmit a report by the Secretary of State submitting reports from American consular officers in the German Empire and certain other foreign countries in regard to co-operation and the cost of living.

WM. H. TAFT.

THE WHITE HOUSE, June 14, 1912.

LEGALIZATION OF CERTAIN CONVEYANCES, UNION PACIFIC RAILROAD CO.

Mr. NORRIS. Mr. Speaker, I ask that the bill H. R. 16689 be laid before the House. It is on the Speaker's desk.

The SPEAKER laid before the House the bill (H. R. 16689) legalizing certain conveyances heretofore made by the Union Pacific Railroad Co., with Senate amendments.

The Senate amendments were read.

Mr. NORRIS. Mr. Speaker, I move to concur in the Senate amendments.

Mr. MANN. Mr. Speaker, may I ask the gentleman a question?

Mr. NORRIS. Certainly.

Mr. MANN. As I understand it, the Senate amendments propose to strike out the entire House bill and insert a new one in its place. Has the gentleman carefully examined the Senate amendments?

Mr. NORRIS. I have.

Mr. MANN. Is the gentleman able to give any reason why the Senate took the action that it did?

Mr. NORRIS. Well, in regard to some of the provisions I can say to the gentleman that they were put in to satisfy some of the members of the Senate committee who were doubtful as to the constitutionality of the bill. My own judgment is that they have not improved it in that respect. I had no doubt about it before.

Mr. MANN. Is there any change from the House bill by the Senate amendment that affects the purpose of the House bill?

Mr. NORRIS. No, sir; none whatever.

Mr. RUCKER of Colorado. I want to say to the gentleman from Illinois that, after the bill passed the House, the Kansas question came in, so that that had to be covered.

Mr. MANN. I think that came up in the House.

Mr. NORRIS. Yes; but it was changed somewhat in the Senate. Now, I yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I should like to ask the gentleman from Nebraska about how much land is involved here the titles to which will be quieted and settled by this proposed legislation?

Mr. NORRIS. There could be the possibility of conflicts of title involving a strip running along the Union Pacific Railroad through Nebraska and through Kansas, and from the Kansas and Nebraska lines to Denver, and from Denver to Cheyenne. I can not give the gentleman, and I do not think anyone else can, the exact number of acres involved, because it is not the same in all cases. This simply validates any conveyances that have been made of portions of the right of way by the railroad company, or validates the title to any other portions that have

been held by the settlers adjoining the right of way, sufficiently long, and under the proper circumstances, to give them title by adverse possession.

Mr. FINLEY. Does this legislation cover anything more than the right of way and town lots adjacent?

Mr. RUCKER of Colorado. Not at all.

Mr. NORRIS. It does not.

Mr. FINLEY. It does not cover the land grants generally?

Mr. NORRIS. Oh, no; it has no reference to them whatever. There was a dispute between the railroad company and the settlers, both in the country and in the towns, about a strip of land on each side. Recently the railroad company has been claiming a 400-foot right of way, and through the State of Nebraska, for instance, the settlers claimed it was only 200 feet. In parts of Colorado the settlers claimed that it was only 100 feet, and the same in Kansas.

Mr. FINLEY. This is one of the land-grant railroads?

Mr. NORRIS. Yes; it is. All the land involved was originally granted to the railroad company by Congress.

Mr. FINLEY. The Senate amendment does cover more land and validates more titles than the bill as it passed the House?

Mr. RUCKER of Colorado. No.

Mr. NORRIS. I think not, although there is a difference in the width. The House provided as to a portion of this right of way that it should not be less than 200 feet, and that in Colorado it should not be less than 100 feet. The Senate amendment changes that and leaves it the same in all the States.

Mr. FINLEY. I will say to the gentleman that I served in two or three Congresses on the Pacific Railroads Committee, and I obtained some little knowledge of land grants to the railroads, and their conveyances, and so forth. Of course, I personally know nothing of this question, and I understand the gentleman is unable to give the House any definite information as to how much land is covered or what titles are validated outside the right of way.

Mr. NORRIS. There is not anything outside of the right of way.

Mr. RUCKER of Colorado. It is all a part of the right of way.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Saturday, June 15, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting estimate of appropriation for completion of post-office and courthouse building at Grand Rapids, Mich. (H. Doc. No. 831); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting deficiency estimate of appropriation for relief of special fiscal agent of the Reclamation Service (H. Doc. No. 832); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LAFFERTY, from the Committee on Irrigation of Arid Lands, to which was referred the bill (S. 4862) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes, reported the same with amendment, accompanied by a report (No. 888), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24028) authorizing and permitting the Tennessee Hydro-Electric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the House Calendar.

Mr. DODDS, from the Committee on the Judiciary, to which was referred the bill (S. 5935) to fix the terms of the district

court for the western district of Michigan, reported the same without amendment, accompanied by a report (No. 889), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24197) to authorize Carl J. Kiefer and Laurent Lowenberg to construct two dams across Duck River, in Hickman County, Tenn., reported the same with amendment, accompanied by a report (No. 890), which said bill and report were referred to the House Calendar.

Mr. SABATH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23284) to authorize the Great Northern Development Co. to construct a dam across the Mississippi River from a point in Scott County, Iowa, to a point in Rock Island County, Ill., reported the same with amendment, accompanied by a report (No. 891), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24067) providing for the construction, erection, maintenance, and operation of a dam across the Osage River, in Miller County, Mo., for the purposes of improving navigation and the development of water power, reported the same with amendment, accompanied by a report (No. 892), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 23571) authorizing and permitting Clinch River Power Co., its successors and assigns, to build and maintain a dam and a water-power development in and across Clinch River, in Anderson County, State of Tennessee, reported the same with amendment, accompanied by a report (No. 893), which said bill and report were referred to the House Calendar.

Mr. MARTIN of South Dakota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 24196) to authorize the construction of a dam across the Kootenai River, in the State of Montana, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 2809) granting an increase of pension to W. S. Hardin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7208) granting an increase of pension to William McCoy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25048) granting an increase of pension to Charles B. Daniel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7331) granting an increase of pension to Harry L. Vance; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22398) granting a pension to Darius E. White; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24840) granting a pension to Ward Pine; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3739) granting a pension to James Lawton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9287) granting a pension to James Duffy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24687) granting a pension to Grace E. Benford; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21134) granting a pension to Hughie C. Thomas; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14373) granting a pension to Cornelius Conly, alias Cornelius Conley or Connelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11638) granting a pension to William P. Barlow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2404) granting a pension to B. E. De Vall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 544) granting a pension to Eden N. Dailey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. BORLAND: A bill (H. R. 25330) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. DAUGHERTY: A bill (H. R. 25331) regulating charges for transportation of parcels by express companies engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. McKELLAR: A bill (H. R. 25332) for the purchase of a site and erection of a public building in the city of Somerville, Fayette County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25333) to construct a road from the national cemetery in Shelby County, Tenn., to the eastern boundary line of the city of Memphis, Tenn.; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 25334) to authorize the extension of Spring Road NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYES: A bill (H. R. 25335) to amend an act entitled "An act to regulate the immigration of aliens into the United States"; to the Committee on Immigration and Naturalization.

By Mr. J. M. C. SMITH: A bill (H. R. 25336) to provide for the erection of a public building and site at Charlotte, in the State of Michigan; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25337) for the purchase of a site and the erection thereon of a public building at Marshall, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. WILDER: A bill (H. R. 25338) to provide for the purchase of a site for a public building at Leominster, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25339) to provide for the purchase of a site for a public building at Framingham, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25340) to provide for the purchase of a site for a public building at Gardner, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. KAHN: A bill (H. R. 25341) to amend section 2 of an act entitled "An act fixing the compensation of certain officials in the Customs Service, and for other purposes," approved March 4, 1909; to the committee on Ways and Means.

By Mr. HARRISON of Mississippi: A bill (H. R. 25342) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBSON: A bill (H. R. 25343) providing that certain professors at the United States Naval Academy shall be commissioned as professors of mathematics, with the rank of lieutenant commander; to the Committee on Naval Affairs.

By Mr. CLAYPOOL: A bill (H. R. 25371) granting a pension to certain soldiers and sailors of the Civil War who were confined in Confederate prisons; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25372) granting public lands to the city of Phoenix, State of Arizona, for public park purposes; to the Committee on the Public Lands.

By Mr. DAVENPORT: A bill (H. R. 25373) to provide for the payment of drainage assessment on Indian lands in Wagoner County, Okla.; to the Committee on Indian Affairs.

By the SPEAKER: Memorial of the Legislature of the State of New Mexico, asking Congress to set aside \$6,000,000 to dam and levee the Rio Grande River; to the Committee on Rivers and Harbors.

By Mr. CALDER: Memorial of the Legislature of the State of New Mexico, requesting Congress to modify the law in relation to Pueblo Indians; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. ALLEN: A bill (H. R. 25344) granting a pension to Willis F. Goodhue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25345) granting a pension to George C. Dale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25346) granting a pension to Joel S. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25347) granting a pension to John G. O'Neill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25348) granting a pension to Henry C. P. Roebing; to the Committee on Invalid Pensions.

By Mr. ADAIR: A bill (H. R. 25349) granting an increase of pension to Samuel H. Sturgeon; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 25350) granting an increase of pension to David R. Beavers; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 25351) granting a pension to Roscoe Worthen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25352) granting a pension to James Campbell; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 25353) granting a pension to Mary E. Howell; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 25354) granting an increase of pension to Charles Logan; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 25355) granting an increase of pension to William W. Fellows; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25356) granting an increase of pension to Lillian M. Dayton; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 25357) for the relief of the Western Grain & Sugar Products Co., of California; to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 25358) granting a pension to Emma J. Winchell; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 25359) granting a pension to Samuel J. Orendorf; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 25360) for the relief of Edward Tighe; to the Committee on Military Affairs.

Also, a bill (H. R. 25361) for the relief of George Gardells; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 25362) granting an increase of pension to Susana A. Turner; to the Committee on Pensions.

By Mr. POU: A bill (H. R. 25363) for the relief of Emma H. Ridley; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 25364) for the relief of George R. Phyles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25365) to correct the military record of John Daly; to the Committee on Military Affairs.

Also, a bill (H. R. 25366) granting an increase of pension to Alfred M. Howard; to the Committee on Invalid Pensions.

By Mr. RICHARDSON: A bill (H. R. 25367) granting an increase of pension to Mary Ann Thompson; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 25368) granting an increase of pension to Ada Cummins; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 25369) granting a pension to Lydia M. Jacobs; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 25370) granting a pension to Frank O. Scott; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 25374) granting an increase of pension to Mary J. Hatfield; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER (by request): Memorial of societies of the Polish Roman Catholic Union of America of the States of New York, Illinois, Minnesota, Pennsylvania, and West Virginia, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petitions of St. Anthony Society, No. 569, Chicago, Ill., and St. Joseph Society, No. 551, Hance, Okla., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. BERGER: Petition of citizens of the United States, favoring passage of House bill 13114, known as BERGER's old-age pension bill; to the Committee on Pensions.

Also, petition of 116,852 individuals, favoring a constitutional amendment enabling women to vote on the same terms as men; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of citizens of New Jersey, favoring passage of the old-age pension bill for pensioning deserving men and women over 60 years of age; to the Committee on Pensions.

By Mr. BULKLEY (by request): Petition of the Law and Order Reform League of Cleveland, Ohio, favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petitions of St. Vincent Society, No. 146, and St. Stanislaus Society, No. 124, of the Polish Roman Catholic Union of America, protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. CALDER: Memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5991, relative to Navy memorial at Vicksburg, Miss.; to the Committee on Military Affairs.

Also, petition of William Sayer, jr., favoring continuance of economy and efficiency work in Government departments; to the Committee on Appropriations.

Also, petition of citizens of Bay Ridge, South Brooklyn, N. Y., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Methodist Episcopal Hospital at Brooklyn, N. Y., favoring bill empowering the Public Health and Marine-Hospital Service in establishing the hospital bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CATLIN: Petition of St. Hedwig's Society, No. 324, and St. Casimir's Society, No. 72, of St. Louis, Mo., protesting against the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of the Aero Club of Illinois, favoring the passage of the military aviation bill; to the Committee on Military Affairs.

Also, petition of the Chicago Federation of Labor, of Chicago, Ill., favoring passage of House bill 23673, to prevent unskilled manning of American vessels; to the Committee on the Merchant Marine and Fisheries.

By Mr. GOLDFOGLE: Petition of the Chamber of Commerce of Milwaukee, favoring investigation of all fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against the passage of House bill 22527, relative to labeling all patent medicines; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southern Shoe Retailers' Association, of Atlanta, Ga., against passage of the Campbell bill, to compel manufacturers to place their name on goods; to the Committee on the Judiciary.

Also, petition of the Allied Printing Trades Council of New York, favoring passage of House bill 20487, known as the workman's compensation act; to the Committee on the Judiciary.

Also, petition of the American Association of Foreign Language Newspapers, of New York, against passage of the Brown-Oldfield bill proposing change in present patent laws; to the Committee on Patents.

Also, petition of the Manufacturers' Association of Brooklyn, N. Y., favoring passage of the Page bill, known as the vocational education bill; to the Committee on Agriculture.

Also, petition of the Mutual Benefit Association, Fifth Division, surveyor's office, United States customs, port of New York, favoring passage of House bill 23241, relative to pay for customs watchmen; and of the American Thread Co., of New York, favoring downward revision of the tariff; to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of Washington, D. C., favoring passage of House bill 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: Petition of 70 railroad employees of Yuma County, Ariz., protesting against the Federal accident-compensation bill (S. 5382); to the Committee on the Judiciary.

By Mr. HAYES: Petition of Charles Hagmaier, of San Francisco, Cal., and of David S. Jordan, Stanford University, Cal., favoring passage of House bill 19857, relative to conservation of the public grazing range; to the Committee on the Public Lands.

Also, petition of Sign and Pictorial Painters' Local No. 510, and of C. D. McKenney, of San Francisco, Cal., favoring passage of House bill 16844, to compel manufacturers to place their names on goods; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Gilroy, Cal., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of business men of Gilroy, Cal., favoring passage of bill regulating express rates; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: Petition of the Trenton Chamber of Commerce, protesting against passage of Senate bill 5458, relative to building of bridge across the Delaware River south of Trenton by the Pennsylvania Railroad Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Charles W. Fisher, San Francisco, Cal., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Sign and Pictorial Painters' Local No. 510, of San Francisco, Cal., favoring passage of the Campbell bill (H. R. 16844) to compel manufacturers to place their names on goods; to the Committee on Interstate and Foreign Commerce.

By Mr. LEE of Pennsylvania: Petition of the Daughters of Liberty of Mahanoy, Pa., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Order of Independent Americans, Coaldale Council, No. 29, of Coaldale, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LINDSAY: Petition of citizens of Greenpoint, N. Y., against passage of the Burton-Littleton bill, to celebrate 100 years of peace with England; to the Committee on Industrial Arts and Expositions.

Also, petition of the Daughters of Liberty of Brooklyn, N. Y., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Memorial of the Metz Branch of the Polish Roman Catholic Union of America, of Metz; the Sacred Heart of Jesus Society, No. 316, of Bay City; and the Polish Roman Catholic Union, of Posen, Mich., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MANN: Petition of citizens of Illinois, favoring passage of House bill 17470, for pensioning widows and orphans of veterans of the Spanish-American War; to the Committee on Pensions.

By Mr. McCALL: Petition of Fred S. Scales and others, of Winchester, Mass., against passage of bills proposing change in patent laws; to the Committee on Patents.

By Mr. McDERMOTT: Memorial of Sacred Heart of Jesus Society, No. 92, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. McGILLICUDDY: Petition of Local Union No. 101, Rumford, Me., favoring passage of House bill 19133, for creation of a postal express; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of the Daughters of Liberty of Lakewood, N. J., favoring passage of bill relative to denominational gurb for Indian schools; to the Committee on Indian Affairs.

Also, petition of the Daughters of Liberty of Oakhurst, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. STERLING: Petition of citizens of Lincoln, Ill., favoring passage of bill providing for building of battleship in Government navy yards; to the Committee on Naval Affairs.

By Mr. WOOD of New Jersey: Petition of the Journeymen Barbers' International Union of America, and Machinists Lodge, No. 398, and citizens of Trenton, N. J., favoring passage of House bill 22339 and Senate bill 6172, known as the anti-Taylor system bills; to the Committee on the Judiciary.

Also, petition of members of the Woman's Christian Temperance Union of Lambertville, N. J., favoring passage of the Mann bill for Sunday rest for post-office employees, etc.; to the Committee on the Post Office and Post Roads.

Also, memorial of citizens of the fourth congressional district of New Jersey, of Washington Camp, No. 43, Patriotic Order Sons of America, of Somerville, and of citizens of Clinton, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, June 15, 1912.

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

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions of law filed by the court in the following causes:

Eleanor L. and Henry C. Lovell, sole heirs of Henry C. Lovell, v. United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 847);

Richard Allen v. United States (Washington Navy Yard) (S. Doc. No. 849); and

No. 23, Annie I. Fernald Crowell, widow (remarried) of Alonzo Fernald, deceased; No. 27, Margaret A. Norton, widow of Daniel C. Norton, deceased; No. 32, Emma S. Wherren, administratrix of James W. Wherren, deceased, v. United States (Portsmouth (N. H.) Navy Yard) (S. Doc. No. 848).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I submit a conference report on House bill 17681, the District of Columbia appropriation bill, being a full agreement, and I ask unanimous consent for its present consideration.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17681) 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, having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its amendments numbered 1, 3, 5, 6, 7, 9, 12, 14, 15, 16, 17, 18, 20, 21, 22, 26, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 59, 62, 63, 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 95, 96, 97, 98, 99, 101, 102, 103, 104, 106, 108, 113, 114, 117, 121, 126, 137, 138, 139, 141, 148, 150, 154, 155, 156, 162, 174, 178, 179, 193, 194, 198, 199, 206, 207, 208, 209, 210, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 231, 232, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 251, 252, 254, 255, 256, 257, 258, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 291, 295, 296, 297, 298, 299, 300, 301, 302, 304, 305, 307, 310, 311, 313, 315, 317, 318, 319, 320, 321, 324, 225, 326, 327, 331, 332, 333, 336, 342, 343, 344, 345, 351, 358, 359, 362, 363, 364, 365, 367, 370, 375, 376, 377, 378, 379, 380, 381, 382, 383, 391, 393, 394, 395, 396, 404, 405, 406, 407, 408, 409, and 420.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 8, 10, 11, 13, 19, 23, 24, 25, 27, 58, 60, 61, 77, 88, 92, 93, 100, 105, 111, 112, 116, 119, 120, 122, 123, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 142, 143, 144, 145, 146, 147, 149, 152, 157, 159, 160, 163, 164, 168, 169, 170, 171, 172, 175, 177, 180, 183, 185, 186, 187, 188, 189, 192, 195, 196, 200, 202, 203, 204, 205, 230, 233, 234, 275, 293, 294, 303, 312, 316, 322, 328, 330, 335, 338, 339, 346, 349, 350, 353, 354, 355, 356, 357, 361, 366, 384, 385, 387, 388, 389, 390, 397, 398, 399, 400, 401, 402, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 423, and 425; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with amendments as follows: Omit the matter inserted by said amendment and on page 2 of the bill, in line 3, strike out the word "dollars" and insert in lieu thereof the words "so much as may be necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$114,846"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an