

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

amendment as follows: In lieu of the number proposed insert "three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two at \$1,400 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$80,410"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$31,725"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$41,300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with amendments as follows: Omit the matter inserted by said amendment, and on page 18 of the bill, in line 17, after the word "binding," insert the following: "by contract or otherwise, including necessary personal services"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "purchase" in said amendment insert the following: "or exchange"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$220,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$70,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$20,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$129,525"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with amendments as follows: In lieu of the matter inserted by said amendment insert the following: " : *Provided further*, That the sum of \$5,000, or so much thereof as may be necessary, is hereby appropriated, to enable the Commissioners of the District of Columbia to make a thorough investigation of the desirability and cost of establishing a municipal asphalt plant, including personal services and necessary expenses, report to be made to Congress at the beginning of the next session: *Provided further*, That the facts upon which the conclusions are based shall be fully stated in said report: *Provided further*, That the Commissioners of the District of Columbia are hereby authorized to purchase from this appropriation a portable asphalt plant at a cost not to exceed \$7,500 and to operate said plant under their immediate direction in doing such work of repairs to asphalt pavements as in their judgment may be economically performed by the use of said plant, and so much of this appropriation as is necessary for this purpose is hereby made available for such work"; and on page 28, in line 25, and on page 29, in line 1, of the bill strike out the words "of which sum \$60,000 shall be immediately available, three hundred and ninety thousand" and in lieu thereof insert "three hundred and sixty thousand"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: On page 30 of the bill in line 3, strike out the word "two" and insert in lieu thereof "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with

amendments as follows: In lieu of the sum proposed insert "\$140,000"; and on page 30 of the bill, in lines 5, 6, and 7, strike out the following: ", of which sum \$20,000 shall be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$125,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 167, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 173, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$265,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with amendments as follows: In line 6 of the matter inserted by said amendment strike out the following: "on either side of such crossings"; and in line 11 of the matter inserted by said amendment, after the word "appropriation," insert the word "available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: On page 34, in lines 14 and 15, of the bill strike out the following: "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,830"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "dollars," insert the following: ", which sum shall be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following: ", the appropriations for which purpose shall hereafter be paid wholly out of the revenues of the District of Columbia"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$23,825"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the purchase and maintenance of one motor vehicle for the use of the electrical department, with extra tires and equipment, \$1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the number proposed insert "two hundred and eighty-four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 212, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: " : *Provided*, That all teachers of manual training, drawing, domestic science, domestic art, music, and physical culture in the normal, high, and manual-training high schools now in the service of the public schools and hereafter to be appointed, shall be placed in class six, group A: *Provided further*, That no such teacher shall receive a salary less than that received at the time of the passage of this act: *Provided further*, That hereafter no teacher of any of these subjects shall be appointed without like qualifications to those required of teachers of academic and scientific subjects in the high schools, and that teachers of these subjects now in the service of the public schools and those hereafter to be appointed shall receive their longevity increase according to their previous number of years of expe-

rience in teaching in accredited normal, high, and manual-training high schools"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 213, and agree to the same with an amendment as follows: In lieu of the number proposed insert "one hundred and eighteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four hundred and fourteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three hundred and thirty-seven"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,354,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "No class in any year of any of the high schools shall consist of less than 10 pupils for a period not longer than 15 days"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 220, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$319,365"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 250, and agree to the same with an amendment as follows: In lines 2 and 3 of said amendment strike out the following: "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 253, and agree to the same with an amendment as follows: Add at the end of said amendment the following: " : *Provided*, That the plans for the new Central High School shall provide accommodations for not less than 2,500 pupils"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 259, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the matter stricken out insert the following:

"Pupils shall not be admitted to or taught free of charge in the public schools of the District of Columbia who do not reside in said District, or who during such tutelage do not own property in and pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils, or whose parents do not reside or are not engaged in public duties therein, or during such tutelage pay taxes levied by the government of the District of Columbia in excess of the tuition charged hereunder to other nonresident pupils: *Provided*, That any other nonresident pupil may be admitted to and taught in said public schools on the payment of such amount, to be fixed by the board of education with the approval of the Commissioners of said District, as will cover the expense of tuition and cost of textbooks and school supplies used by such pupil; and all payments hereunder shall be paid into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 287, and agree to the same with an amendment as follows: In line 1 of the matter inserted by said amendment strike out the words "Hereafter no" and in lieu thereof insert the word "No"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 289, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 290, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$130,250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 292, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "one," insert the word "motor-drawn"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 306, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 308, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "five" and insert in lieu thereof the word "two"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 309, and agree to the same with an amendment as follows: In line 7 of said amendment strike out the word "two" and insert in lieu thereof the word "one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 314, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,540"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 323, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$13,225"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 329, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: " , and new bids received or the purchase made in open market, as may be most economical and advantageous to the District of Columbia: *Provided further*, That hereafter formal written contracts with bond for work or the purchase of supplies and materials for the District of Columbia shall not be required in cases where the cost of such work or supplies or materials does not exceed the sum of \$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 334, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$27,135"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 337, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For hospital furnishings, including bedsteads, mattresses, ward and bedside tables, and chairs, \$1,000.

"The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session as to the cost and feasibility of adapting one or more of the vacant buildings upon the site of the Washington Asylum and Jail, reservation No. 13, for use for municipal hospital purposes."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 340, and agree to the same with an amendment as follows: Transpose said amendment to follow line 11, page 91 of the bill, amended as follows: In line 1 of said amendment strike out the word "The" where it first occurs and insert in lieu thereof the words "Hereafter the"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 341, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$113,635"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 347, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$51,872"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 348, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to report to Congress at the beginning of its next session whether or not there is a necessity for the construction and operation within the District of Columbia of a reform school for white girls; and in this report the commissioners shall state what facilities now exist in public or private institutions for the care of wayward white girls and the cost of their maintenance in such institutions, and shall also state the estimated cost of constructing and maintaining a reform school for white girls"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 352, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment strike out the word "salaries"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 360, and agree to the same with

an amendment as follows: In lines 3 and 4 of said amendment strike out the words "one hundred thousand dollars" and insert in lieu thereof the words "fifty thousand dollars"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 368, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 369, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 371, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$16,030"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 372, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$16,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 373, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 374, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$26,320"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 386, and agree to the same with an amendment as follows: Add at the end of said amendment the following: "construction work to be done by contract or otherwise"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 392, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$199,330"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 403, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following separate paragraphs:

FORT DAVIS AND FORT DU PONT PARKS, AND SO FORTH.

"The Commissioners of the District of Columbia are hereby authorized and directed to prepare a highway plan to change the location and width of Alabama Avenue SE, between Pennsylvania Avenue and Hillside Road, and to make such changes in the location of intersecting streets as may be necessary to provide proper connection with the new location of Alabama Avenue: *Provided further*, That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, the Commissioners of the District of Columbia are authorized and directed to institute in the Supreme Court of the District of Columbia a proceeding in rem to condemn the land that may be necessary to preserve the sites of Fort Davis and Fort Du Pont for park purposes, and to provide a connecting highway between these sites by widening Alabama Avenue to 150 feet, comprising in all approximately 41.25 acres of land, as shown on plans filed in the office of the Engineer Commissioner of the District of Columbia. There is hereby appropriated an amount sufficient to pay the necessary costs and expenses of said condemnation proceedings taken pursuant hereto, and for the payment of amounts awarded as damages: *Provided, however*, That if the amount found to be due and awarded by the jury in said proceedings as damages for and in respect of the land to be taken in the condemnation proceedings herein authorized plus the costs and expenses of the proceedings, not less than one-third and all in excess of \$21,334 shall be assessed by the jury as benefits, which when collected shall be covered into the Treasury of the United States to the credit of the revenues of the District of Columbia and the United States in equal parts.

"Hereafter, the United States shall not bear any part of the cost of the acquisition of land for street extensions, but when the condemnation of any land for such purpose is authorized by law the total cost of the land and the expenses of the condemnation proceedings shall be assessed as benefits; in any case where land is condemned for a parkway, including a street or streets, where such parkway is of considerable length with relation to its width, not less than one-half of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits; and in any case where land is condemned for a public park, not less than one-third of the cost of the land including the same fraction of the expenses of the condemnation proceedings shall be assessed as benefits.

"The public parks authorized and established by this act shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 422, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment, restore the matter stricken out by said amendment amended as follows: Renumber the section to read: "Sec. 8."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 424, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 10. On and after July 1, 1912, fees collected by the District of Columbia shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts, as follows, namely: Fees of superintendent of weights, measures, and markets; fees of surveyor's office; health department fees; pound fees; fees for railing permits; fees for building permits; fees for electrical permits; bathing-beach fees; fees from public convenience stations; fees for tax certificates; fees of the municipal court; and fees collected by the building inspection division on account of permits, certificates, and transcripts of records issued by the inspector of buildings; and the surplus fees of the recorder of deeds and register of wills, together with the tuition of nonresident pupils in public schools, and the tax of one-half of 1 cent paid by any street or other railroad company for each passenger carried across the Highway Bridge; and the annual wheel tax on all automobiles or other motor vehicles."

And the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
MURPHY J. FOSTER,
Managers on the part of the Senate.

A. S. BURLINSON,
E. W. SAUNDERS,
E. L. TAYLOR, JR.,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 10680. An act legalizing certain conveyances heretofore made by the Union Pacific Railroad Co.;

H. R. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 23557. 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.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore laid before the Senate a communication from the secretary of state of New Mexico, transmitting a certified copy of house joint resolution No. 30, adopted by the legislature of that State, memorializing Congress to appropriate \$6,000,000 for dikes and levees on the Rio Grande River, which, with the accompanying resolution, was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

House joint resolution 30, memorializing Congress to appropriate \$6,000,000 for dikes and levees on the Rio Grande.

Whereas the present flood in the Rio Grande, which has destroyed bridges, inundated cultivated fields, and caused great property loss, recalls the fact that such floods have been of almost annual occurrence in the past; and

Whereas the Government of the United States has never appropriated any moneys for the construction of dikes and levees upon the banks of said river: Therefore be it

Resolved by the legislature of the State of New Mexico, That the Congress of the United States is hereby memorialized to appropriate and set aside the sum of \$6,000,000 to be expended as by law provided in the construction of dikes and levees upon the Rio Grande with a view to restraining its waters to its natural channel; and be it further

Resolved, That the secretary of state of New Mexico be, and he hereby is, directed to transmit authenticated copies of this memorial to

the Vice President of the United States, and to the Speaker of the House of Representatives.

E. C. DE BACA,
President of the Senate.
JOHN JOERNS,
Chief Clerk of the Senate.
ROMAN L. BACA,
Speaker of the House.
FRANK STAPLIN,
Chief Clerk of the House.

Indorsed: Filed in office of secretary of state of New Mexico, June 7, 1912, 6 p. m.

ANTONIO LUCERO, Secretary of State.
CERTIFICATE OF COMPARISON.

STATE OF NEW MEXICO,
Office of the Secretary.

I, Antonio Lucero, secretary of state of the State of New Mexico, do hereby certify that there was filed for record in this office at 6 o'clock p. m., on the 7th day of June, A. D. 1912, house joint resolution No. 30, memorializing Congress to appropriate \$6,000,000 for dikes and levees on the Rio Grande, and also that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the State of New Mexico, at the city of Santa Fe, the capital, on the 10th day of June, A. D. 1912.

[SEAL.]

ANTONIO LUCERO, Secretary of State.

The PRESIDENT pro tempore presented petitions of the officers of Ridgefield Park Post, Daughters of Liberty, of New Jersey, praying for the adoption of the so-called illiteracy-test amendment to the immigration law, which were referred to the Committee on Immigration.

He also presented a resolution adopted by the American Society of Tropical Medicine, favoring the creation of a national commission for the study and prevention of malaria, which was referred to the Committee on Public Health and National Quarantine.

Mr. HITCHCOCK presented a petition of the congregation of the Emmanuel Baptist Church, of Mead, Nebr., praying for the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was referred to the Committee on the Judiciary.

He also presented a petition of members of the Gage County Medical Society, of Nebraska, praying for the establishment of a department of public health, which was ordered to lie on the table.

Mr. GARDNER presented petitions of Bear Mountain Grange, No. 62, Patrons of Husbandry, of Harrison; of Barbers' Local Union No. 101, of Rumford; and of sundry citizens of Rockport and Canton, all in the State of Maine, praying for the establishment of a governmental system of postal express, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented petitions of sundry citizens of the District of Columbia, praying for the enactment of legislation to maintain the present water rates in the District, which were referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the incorporation of the Virginia Terminal Co., which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 21221) making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyoming, reported it without amendment and submitted a report (No. 888) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 2953) to grant an honorable discharge to George P. Chandler, reported it with amendments and submitted a report (No. 889) thereon.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 4973) authorizing the President to appoint Rudolph Ullmer a first lieutenant on the retired list, submitted an adverse report (No. 890) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Pensions, to which were referred certain bills granting pensions and increase of pensions, submitted a report (No. 891), accompanied by a bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

- S. 449. Susannah Roberts.
- S. 1531. John Hedge.
- S. 1777. Albert Whitehead.
- S. 2614. Henry Ackerman.
- S. 2739. Edward S. Clithero.

- S. 2978. Almond Partridge.
- S. 3786. Gustavus A. Kindblade.
- S. 4063. Martin Parker.
- S. 4082. Augustus A. Nauman.
- S. 4072. Benjamin F. Adams (alias Franklin B. Adams).
- S. 4187. Mary Byrne.
- S. 4491. Mary C. Smith.
- S. 4556. E. Leora Norris.
- S. 5411. Augustus C. D. Wilson.
- S. 5509. Alice O. Lord.
- S. 5590. Julius T. Morse.
- S. 5647. Henrietta V. Hawley.
- S. 6038. Charles E. Sherman.
- S. 6290. Jennie M. Smalley.
- S. 6324. Samuel N. West.
- S. 6660. James V. D. Ten Eyck.
- S. 6947. Nellie L. Davis.
- S. 6985. Jerome S. Pinney.
- S. 7066. James E. C. Sawyer.
- S. 2640. Julius E. Henderson.
- S. 6861. William L. Baird.

Mr. SMITH of Michigan, from the Committee on Territories, to which was referred the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, reported it with amendments.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 106) creating a joint commission on public highways, and for other purposes, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 3132) granting a pension to Deborah B. Roman, reported it with amendments and submitted a report (No. 895) thereon.

Mr. HEYBURN, from the Committee on Public Lands, to which was referred the bill (H. R. 20684) providing for the sale of the Lemhi School and Agency plant and lands on the former Lemhi Reservation, in the State of Idaho, reported it without amendment and submitted a report (No. 896) thereon.

Mr. SMOOT. I am directed by the Committee on Public Lands, to which was referred the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, to report it with amendments, and I submit a report (No. 897) thereon.

Mr. HEYBURN. Mr. President, that is not a unanimous report.

Mr. SMOOT. I did not say that it is; I said that it is a report from the Committee on Public Lands.

Mr. HEYBURN. I merely want the Record to show that I made the statement; that is all.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

UINTAH INDIAN RESERVATION LANDS.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, with an amendment in the nature of a substitute, the bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation, and I submit a report (No. 893) thereon. I ask for the immediate consideration of the bill.

Mr. CULBERSON. Let it be read.

The PRESIDENT pro tempore. It will be read for information before the request for unanimous consent is acted upon.

Mr. SMOOT. The committee amendment proposes a substitute for the bill.

The PRESIDENT pro tempore. The substitute will be read. The SECRETARY. The committee report to strike out all after the enacting clause and to insert:

That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation, in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension, and no more.

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

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

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill to provide an extension of time for submission of proof by homesteaders on the Uintah Indian Reservation."

Mr. SMOOT. I should like also to have the report of the committee accompanying the bill printed in the RECORD.

There being no objection, the report this day submitted by Mr. SMOOT was ordered to be printed in the RECORD, as follows:

[Senate Report No. 893, Sixty-second Congress, second session.]

EXTENSION OF TIME FOR PAYMENTS ON HOMESTEADS, UINTAH INDIAN RESERVATION.

Mr. SMOOT, from the Committee on Public Lands, submitted the following report to accompany S. 6934:

The Committee on Public Lands, to which was referred the bill (S. 6934) to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation, having given the same careful consideration, beg leave to recommend that the following substitute be adopted in its stead:

"Be it enacted, etc., That any person who has heretofore made a homestead entry for land which was formerly a part of the Uintah Indian Reservation in the State of Utah, authorized by the act approved May 27, 1902, and acts amendatory thereto, shall, upon application to the register and receiver of the land office in the district in which the land is located, and upon payment of 5 per cent of the price of said land, be allowed an extension of time of one year within which to submit proof on his entry and make payment therefor: *Provided*, That said 5 per cent shall be accepted as interest for said year and shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That any entryman may, upon the same conditions, obtain a second extension and no more."

The purpose of the bill is to relieve settlers on the former Uintah Indian Reservation from the necessity of paying for their homesteads at the present time. Conditions are such that it would be impossible for a large majority of the homesteaders to make the required payment this year, and consequently, unless some relief is accorded them, their homesteads will be forfeited to the Government. Since the opening of this reservation the settlers have had an exceedingly difficult time to eke out an existence, owing to a number of reasons. Before the land can be made productive at all water must be put upon it, and most of the settlers have expended practically all their means in doing this and in making other necessary improvements upon their homesteads. Senator SMOOT, who introduced the bill, presented a number of petitions signed by most of the settlers on the Uintah Indian Reservation, praying for the relief which this bill gives them. The bill will be a great boon to these settlers, and the committee recommends that it be passed.

The following report on the bill was submitted by the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
Washington, June 8, 1912.

Hon. REED SMOOT,

Chairman Committee on Public Lands, United States Senate.

SIR: I have the honor to acknowledge receipt of your request for a report on S. 6934, "A bill to provide for an extension of time for payment of all unpaid payments due from homesteaders on the Uintah Indian Reservation."

The statutes under which the Uintah lands were opened (act of May 27, 1902, 32 Stat., 263; act of Mar. 3, 1903, 32 Stat., 998; act of Mar. 3, 1905, 33 Stat., 1069) do not provide for payment of installments; the homestead entrymen must, at time of submitting proof, pay \$1.25 per acre, which is the entire price of the land. Consequently, the language of the bill referring to installments is not properly applicable.

These lands were opened to entry under the proclamation of July 14, 1905, and the first entries were made between August 28 and October 28, 1905. The seven-year period allowed by section 2291, Revised Statutes, for submission of proof on these entries, will therefore expire within the current year. The relief it may be desired to afford these homesteaders could be granted by simply extending the time allowed for submitting their proofs.

Information has been received regarding the very hard climatic conditions encountered by these people, and there appears to be no doubt that they are entitled to some relief. However, it is suggested, as in the report on the Coeur d'Alene bill (H. R. 18661, 62d Cong., act of Apr. 15, 1912, Public No. 120), that it would not be wise to grant an extension of two years; the preferable course would be to allow an extension for one year, subject to a single renewal of a like period.

Moreover, since the present laws do not provide for interest on the price of these lands, it is thought that in justice to the Indians, to whom the money is ultimately payable, the entrymen securing extensions should be required to pay, in advance, interest on said price. This interest has, in the recent Coeur d'Alene act, been fixed at 5 per cent per annum.

Consonant with the above suggestions, the department respectfully recommends that the bill be amended before enactment in accordance with the draft herewith submitted.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

JOSEPH B. FORBES.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, with an amendment in the nature of a substitute, the bill (S. 421) to correct the military record of Joseph B. Forbes, and I submit a report (No. 892) thereon. It is a short bill, and I ask for its consideration.

Mr. CULBERSON. Is it intended to reinstate a deserter?

Mr. CHAMBERLAIN. There is a charge of desertion, and the committee have reported favorably on the bill.

Mr. CULBERSON. Is it a unanimous report of the committee?

Mr. CHAMBERLAIN. It is. I do not know how many members of the committee were present when it was considered, but no one objected to a favorable report.

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

Mr. GALLINGER. Let it be read for information.

The PRESIDENT pro tempore. The bill will be read for information.

The SECRETARY. The committee report to strike out all after the enacting clause and insert:

That in the administration of the pension laws Joseph B. Forbes, who was a second lieutenant of Company H, Second Regiment Maine Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on the 10th day of November, 1862: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. GALLINGER. I will inquire what Senator reported the bill.

Mr. CHAMBERLAIN. It was reported by myself as a member of the committee, though the soldier is not a constituent of mine, but a constituent of the Senator from Utah.

Mr. GALLINGER. The Senator from Utah has looked into the matter, I suppose.

Mr. SMOOT. I have, and also every member of the committee. It follows the same mode that has been followed by the committee in many, many other cases.

Mr. GALLINGER. I suppose the soldier's record is not clear in the department.

Mr. SMOOT. It is not, Mr. President.

Mr. GALLINGER. But if the committee has examined it I will not object.

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

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

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Joseph B. Forbes."

PORTRAITS OF JUSTIN S. MORRILL AND JOHN TYLER MORGAN.

Mr. WETMORE. From the Committee on the Library I report a resolution, which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution (S. Res. 347) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Senate Committee on the Library is hereby authorized to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Gutherz, at a cost not to exceed \$1,000 each, the same to be paid from the contingent fund of the Senate.

Mr. WETMORE. I ask that the report of the committee, No. 894, accompanying the resolution be printed in the RECORD.

There being no objection, the report this day submitted by Mr. WETMORE was ordered to be printed in the RECORD, as follows:

[Senate Report No. 894, Sixty-second Congress, second session.]

PORTRAITS OF SENATORS JUSTIN S. MORRILL AND JOHN TYLER MORGAN. Mr. WETMORE, from the Committee on the Library, submitted the following report to accompany Senate resolution 347:

The Committee on the Library beg to report the following Senate resolution and recommend its passage:

Resolved, That the Senate Committee on the Library is hereby authorized to purchase two portraits, one of the late Senator Justin S. Morrill, of Vermont, and the other of the late Senator John Tyler Morgan, of Alabama, both painted by Carl Gutherz, at a cost not to exceed \$1,000 each, the same to be paid from the contingent fund of the Senate.

In the history of the United States only four men have been elected to the Senate for six full terms—John Sherman, of Ohio; Justin S. Morrill, of Vermont; William B. Allison, of Iowa; and John T. Morgan, of Alabama.

In 1909 the Senate purchased a portrait of Senator Allison, and the opportunity is now presented of securing at a reasonable price the portraits of Senators Morrill and Morgan, painted by Carl Gutherz, an artist of high reputation.

Justin S. Morrill, of Vermont, was born April 14, 1810, and died December 28, 1898, aged 88 years 8 months and 14 days.

He entered Congress March 4, 1855, near the end of his forty-fifth year, and served in the House of Representatives 12 years—to March 3, 1867. His service in the Senate commenced March 4, 1867, and continued to the time of his death—31 years 9 months and 24 days.

Senator Morrill was elected to the Senate six times, and at the time of his death was the oldest Senator and had a longer period of service consecutively than any other Senator. Since the death of Senator Morrill his record of continuous service in the Senate has been surpassed by Senator Allison.

Senator Morrill had a longer continuous service in the Senate and House of Representatives than any other person since the organization of the Government.

Senator Morrill became chairman of the Committee on Finance in 1877, and retained that chairmanship until his death, with a hiatus

of four years only—from 1879 to 1881, when Senator Bayard was chairman, and from 1893 to 1895, when Senator Voorhees was chairman.

He was the author of the Morrill Tariff Act of 1861, and had a conspicuous part in all the fiscal and tariff legislation during his nearly 44 years in Congress.

He formulated and secured the enactment of the land-grant agricultural college act of 1862, and its amendatory acts, resulting in the founding of colleges of agriculture and mechanic arts in all of the States.

John Tyler Morgan, of Alabama, was born June 20, 1824, and died June 11, 1907, at the age of 83 years, less 9 days.

Senator Morgan's term of service in the Senate began March 4, 1877, and was continuous for 30 years 3 months and 7 days. He was six times elected to the Senate, and died in the fourth month of his sixth term.

He became a member of the Committee on Foreign Relations December 5, 1878, and served on that committee to the time of his death, as its chairman from 1893 to 1895, and for 22 years as the ranking minority member.

Almost in the beginning of his service in the Senate Senator Morgan became the advocate of an interoceanic canal to connect the Atlantic and the Pacific, and he more than anyone else contributed to the accomplishment of this great enterprise.

Senator Morgan was appointed by President Harrison a member of the Bering Sea Arbitration Tribunal which met in Paris in 1893, and the portrait proposed to be purchased was painted in Paris during the sittings of the tribunal.

BILLS INTRODUCED.

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

By Mr. NELSON:

A bill (S. 7161) extending the time for the repayment of certain war-revenue taxes erroneously collected; to the Committee on Finance.

By Mr. SUTHERLAND:

A bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. SMITH of Arizona:

A bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State, charitable, penal, and reformatory institutions; to the Committee on Public Lands.

By Mr. BROWN:

A bill (S. 7164) granting an increase of pension to William W. Lane; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 7165) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; to the Committee on the District of Columbia.

By Mr. KERN:

A bill (S. 7166) granting an increase of pension to Job S. Sims (with accompanying paper); and

A bill (S. 7167) granting an increase of pension to Rachel B. Purdy (with accompanying papers); to the Committee on Pensions.

A bill (S. 7168) for the relief of Dudley Simms (with accompanying papers); to the Committee on Military Affairs.

By Mr. BRIGGS:

A bill (S. 7169) to transfer Capt. Frank E. Evans from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

A bill (S. 7170) granting a pension to Emma W. Lloyd; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 7171) for the relief of Dora D. Walker; to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. GARDNER submitted an amendment proposing to appropriate \$43,880 for additional quarantine facilities at Portland, Me., etc., intended to be proposed by him to the sundry civil appropriation bill (H. R. 25069), which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—MICHAEL R. SHULTZ.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying the bill (S. 640, 62d Cong., 1st sess.) granting an increase of pension to Michael R. Shultz be withdrawn from the files of the Senate, no adverse report having been made thereon.

EDWARD W. WHITAKER.

Mr. BRANDEGEE submitted the following resolution (S. Res. 348), which was read and referred to the Committee on Military Affairs:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with a full and detailed statement of the military history of Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general United States Volunteers, such statement to show the promotions he received, the recommendations therefor, a list of the engagements in which he participated, the recommendations on which he was tendered an appointment as captain in the Seventh United States Cavalry, copy

of his letter declining such appointment and of accompanying papers, if any; also copies of orders and other papers connected with his military history.

FLAG OF THE UNITED STATES.

Mr. HEYBURN submitted the following resolution (S. Res. 345), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to inform the Senate whether or not at any time or under any circumstances any flag, emblem, or banner is raised above the Stars and Stripes on any vessel, building, or ground under the jurisdiction of the Navy Department of the United States.

Mr. HEYBURN submitted the following resolution (S. Res. 346), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether or not at any time or under any circumstances any flag, emblem, or banner is raised above the Stars and Stripes over any fort, encampment, building, or ground under the jurisdiction of the War Department of the United States.

STATISTICS OF CORPORATIONS.

Mr. HITCHCOCK. I send to the desk a resolution, and ask for its present consideration.

The resolution (S. Res. 349) was read as follows:

Whereas the Senate requested certain information of the President regarding the profits and business of certain corporations for the year 1910 and 1911, as specified in Senate resolution 321; and

Whereas the President, in a message on June 11, indicated that the statistics relating to said corporations could not be furnished until the Senate indicated more specifically what corporations should be included: Therefore

Resolved, That the President be, and he is hereby, advised as follows: First, that the corporations engaged in the iron and steel industry, regarding which information is desired, are the 1,048 corporations embraced in the census report for 1910;

Second, that the corporations engaged in the woolen industry, concerning whose business and profits the Senate asks information, are the 1,050 corporations embraced in the report of the Census Office of 1910;

Third, that the corporations engaged in the cotton industry, concerning whose business and profits the Senate asks information, are the 1,328 corporations embraced in the report of the Census Office of 1910;

Fourth, that the corporations engaged in the sugar-refining business, except beet sugar, concerning whose business and profits the Senate asks information, are the 233 corporations embraced in the report of the Census Office of 1910;

Fifth, that the corporations engaged in the beet-sugar industry, concerning whose business and profits the Senate asks information, are the 58 corporations embraced in the report of the Census Office of 1910;

Sixth, that attention is also called to the fact that Bureau of Corporations has such information as will assist in the compilation of these statistics and the classification of corporations; and

Seventh, that the President is requested to have the Bureau of the Census and the Commissioner of Corporations cooperate in preparing the information requested in Senate resolution 321.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution.

Mr. GALLINGER. Mr. President, I did not hear the first paragraph or two of the resolution. The Senator has heretofore submitted a resolution asking for information, which was agreed to. Is the Senator now instructing the President what procedure he shall take to collate and transmit the information? Is that the purpose of the resolution?

Mr. HITCHCOCK. The President replied to that resolution in a message on June 11 by stating that he was not in a position to furnish the information unless the Senate would indicate more specifically the corporations for which the statistics were desired.

Mr. GALLINGER. That is entirely satisfactory, if the President sent such a communication, but I was not aware of the fact.

The resolution was considered by unanimous consent and agreed to.

THE "TITANIC" DISASTER (S. DOC. NO. 850).

Mr. CURTIS. At the request of the Senator from Colorado [Mr. GUGGENHEIM], I ask that the document which I send to the desk be printed as a public document in the type in which it is now printed.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent for the printing of the speech of the Senator from Michigan [Mr. SMITH] on the *Titanic* disaster as a public document in the same type in which it is now printed. Is there objection to the request?

Mr. SMOOT. I am not going to object to this request because of the fact that there are Members of the Senate who are especially interested in having this particular document printed in this particular way, but I wish to say that I hope it will not be considered as a precedent for similar requests hereafter. This is the first time that such a request has been made. I recognize, however, that it is a case that perhaps never will happen again. Therefore I shall not interpose an objection.

Mr. McCUMBER. Mr. President, I will say to the Senator from Utah that while a case similar to the *Titanic* disaster

may never again happen, I am not prepared to say that there will not be very many cases where it will happen that it would be better to have a speech of a Senator printed in different type from that usually employed. While the Senator from Utah says it may not become a precedent, I ask him why the same privilege should not be accorded any matter that is published as a public document? Why should it not be printed in the same type?

Mr. SMOOT. Mr. President, what appeals to me more than anything else is the fact that the brother of one of our Senators was lost in that frightful disaster, and he asks that this be done. So I do not feel like interposing an objection.

Mr. McCUMBER. With the Senator's explanation, I would not oppose the request.

The PRESIDENT pro tempore. Without objection, an order therefor will be entered.

THE CHEMICAL SCHEDULE—UNANIMOUS-CONSENT AGREEMENT.

Mr. HEYBURN. Mr. President, I find in the RECORD this morning that yesterday, during the temporary absence of some Senators from the floor and in the midst of a speech upon the chemical schedule (H. R. 20182) without any general knowledge to even the scant attendance of Senators, it was undertaken to enter into a unanimous-consent agreement as to the vote to be taken upon House bill 20182, and the RECORD recites that it was agreed, by unanimous consent—

that on the 2d day of July, immediately after the termination of the routine morning business, the Senate resume the consideration of the unfinished business, and that a vote be taken upon the bill and all amendments thereto before the end of that legislative day.

Mr. LODGE and Mr. SIMMONS. The calendar day.

Mr. HEYBURN. I was coming to that. It appears also from the RECORD that the word "calendar" was substituted for "legislative" in describing the day. I regret very much that any such action was taken, because we have a unanimous-consent agreement that practically precludes any opportunity to any Senator to discuss any measure prior to the 1st day of July. The recesses provided for in the unanimous-consent agreement already entered into—and, I think, concurred in by the House—will render it impossible for any Senator to have opportunity for discussing the chemical schedule. I think it is very unfortunate, and it may possibly prove somewhat embarrassing in the future, if it is insisted that a unanimous-consent agreement can be entered into in the midst of a speech, when Senators had a right to expect that no such proceeding would be undertaken during a Senator's speech. I say that it is most unfortunate.

No Senator has a right to assume that any other Senator is as indifferent as to the necessity for discussing a measure as he is. Senators may feel indifferent in regard to the necessity or the propriety of discussing proposed legislation, but they have no right to assume that any other Senator is indifferent to the necessity or the duty of doing so.

Unanimous-consent agreements should only be proposed when there is a quorum of the Senate present and when there is a normal attendance of the Senate; and there should be a rule, if there is none, that would prevent the granting of unanimous consent to take a vote upon a measure in the midst of a speech being made upon that measure.

I do not feel that I am called upon to express myself as strongly as I feel in reprobation of such a practice. If there is any one act that is performed by the Senate that more than another demands perfect candor and a spirit of perfect fairness, it is the act of obtaining unanimous consent for the disposition of pending legislation; and just as soon as it becomes apparent that this parliamentary proceeding is to be used for the purpose of gaining an undue advantage, that will be the end of unanimous-consent agreements in this body.

I feel that any Senator who desires to discuss that measure has been unfairly treated. I am a member of the committee that reported the bill; I had already given notice that I intended to discuss it, and yet we are to be confined to the calendar day of July 2 to discuss one of the most important tariff schedules that has come before the Senate at any time, and all through taking advantage of a time when there were perhaps not to exceed six or seven Senators on the floor to obtain a record unanimous-consent agreement.

I realize the delicate position in which Senators are placed who object or who feel compelled to object, as I do this morning, to this action; but to those who do not know from actual observation the conditions under which this unanimous-consent agreement was obtained, any effort to change it would be charged by such persons as an attempt to avoid an agreement based upon the honor of Senators, so that it is readily to be seen that we have been placed in an embarrassing position. We have taken away the opportunity to debate this question

up to a period only a few hours prior to the time fixed for its ultimate disposition. My mind questions the reasons that impel the change from the legislative to the calendar day.

Has any Senator the right to assume or to presume that Senators not present and Senators who are absent with the consent of the Senate have no interest in this legislation because they have not? They have given Senators a just cause of complaint. I will not be personal in this matter, but I want to try to impress upon the minds of Senators that they have posted a watchman, they have set a picket who will be on duty against a repetition of such injustice.

It could not have been done upon the assumption that when those who did it had spoken the end of reason had been attained, or that they stand recognized as holding the proxy for every other Senator to participate in legislation upon this subject.

Have I said enough to impress upon the minds of Senators my views in regard to this way of making an agreement that rests upon the honor of every Senator in the body? Have I said enough to impress my views that the usurpation of the right of another man to participate in an agreement resting upon the honor of that other man is not permitted or recognized among men?

The unanimous-consent proceeding in this body is one resting upon the principle of individual respect for the honor and conscience of each Senator. I give notice now that when the next tariff bill is before the Senate, which will be Calendar No. 675, House bill 21213, I shall object to the fixing of a time for a vote upon the bill by unanimous consent, and I will expect that fair treatment, not only for myself but for every other Senator, by those who shall then assume to be in what is sometimes called the control of the bill.

Under the rule there seems to be no way of avoiding the evil act of yesterday.

Mr. NELSON. Mr. President—

Mr. HEYBURN. I yield.

Mr. NELSON. I thought the Senator from Idaho was through.

Mr. HEYBURN. With all due courtesy to the Senator, that occurs sometimes when Senators in their individual judgment think another Senator has talked as long as they think he ought to have talked, and they assume that he is through. It is a bad habit. I am through.

Mr. NELSON. I ask unanimous consent for the present consideration of Calendar No. 750.

Mr. SIMMONS. I ask the Senator from Minnesota if he will not withhold the request to permit me to make some observations with respect to the matter on which the Senator from Idaho addressed the Senate.

Mr. NELSON. Certainly; I withdraw the request.

Mr. SIMMONS. Mr. President, the request for unanimous consent was made by me. It was made, as the Senator from Idaho suggests, during the speech of the Senator from Maine [Mr. JOHNSON]. I did not make the request until I had conferred with Senators on this side of the Chamber and with Senators on the other side of the Chamber. It had been represented to me that no Senator on this side of the Chamber, except the junior Senator from North Carolina and the Senator from Maine desired to speak upon the bill. The Senator from North Carolina advised me that his speech would probably not occupy more than 10 minutes. I was not aware of the fact that the Senator from Idaho had given any notice that he desired to discuss the bill. No notice to that effect appears upon the calendar, and I was out of the Chamber when the Senator stated his purpose to discuss this schedule. I was advised that there would probably be no speech made on the other side of the Chamber on the bill except one. Under these conditions it was thought, after conference, that we could easily reach a vote and allow every Senator who desired to speak an opportunity to speak on the second day after we reassemble.

My request, Mr. President, was for unanimous consent that we take a vote upon this bill during the legislative day of July 2. A suggestion was made from the other side of the Chamber that I change the request from the legislative to the calendar day, and I made that change in compliance with that suggestion from the other side of the Chamber.

I am sure I have no desire to interfere with the freedom of debate upon this question, and if I had supposed that more time was necessary in order that Senators who desire to speak might have an opportunity to do so, I certainly would not have felt like limiting the time to one day, and I suggest to the Senator from Idaho that we meet again on the 1st day of July, and I shall be very glad to ask that the bill be laid before the Senate on the first day. I do not think there is anything in the way. If there is, it can easily be gotten out of the way, because this

has the right of way, so that we may have not one, but two days for its discussion. I am quite sure that during two days every Senator will have full opportunity to speak.

I want to assure the Senator from Idaho, for myself, that I had no purpose to take any snap judgment in the matter. We conferred about it. The Senator did not happen to be in the Chamber. If he had been, he probably would have been spoken to about it.

Mr. HEYBURN. I suggest to the Senator from North Carolina that the Senator from California [Mr. PERKINS] has already given notice that on Monday, July 1, he will ask the Senate to proceed to the consideration of the naval appropriation bill.

Mr. SIMMONS. That will not interfere with the unfinished business.

Mr. HEYBURN. The naval appropriation bill or any other appropriation bill has certain rights of way.

Mr. SIMMONS. I think the Senator is mistaken—

Mr. HEYBURN. I am reading from the calendar.

Mr. SIMMONS. As to the bill having the right of way against the unfinished business. It would have the right of way, probably, against other matters, but this bill is the unfinished business of the Senate, and at 2 o'clock it would be the regular order.

Mr. GALLINGER. If the Senator will permit me, I think we might relieve the situation somewhat by keeping in mind the fact that we can meet at an earlier hour on that day. We could meet at 10 o'clock, if need be, or 11 o'clock at any rate, and thus gain an additional hour. That would enable the Senator from Idaho to occupy such time as he may wish.

Mr. SIMMONS. I certainly have no objection to meeting at an earlier hour on both the 1st and 2d of July, so as to give ample opportunity for discussion. I must confess that I did not know the Senator desired to speak. I had been advised repeatedly that there would be only one speech on the other side of the Chamber, and that it would not occupy more than two hours.

Mr. HEYBURN. Mr. President, I can understand that the Senator might have received that impression, because, when the metal schedule had been reported and the question was being discussed as to when a vote might be had upon it, it was stated that only two Senators—naming them—would speak on the bill. Of course, that was an irresponsible statement, but it was probably based upon just such an assumption. To be perfectly candid, so far as I am concerned, I intend that the habit which seems to be growing up in this body of certain Members arrogating to themselves an assumed leadership and dictatorship without consulting with all other Senators shall be broken up.

Mr. SIMMONS. The Senator—

Mr. HEYBURN. I am not including the Senator from North Carolina in that.

Mr. SIMMONS. I wanted to say to the Senator—

Mr. HEYBURN. The Senator from North Carolina, representing this measure upon the floor, of course is justified in seeking to get it to a vote. What I object to is an attempted assumption of power which in this accidental case was realized. I desire to see that all Senators in this body stand one the peer of the other. This thing of looking at the almanac to see how long some one has been here, looking at the Congressional Directory to see in what class of service a Senator is, is a piece of impudence; it is unworthy of a Senator. I do not believe that Senators, like some other things, ripen with age, always. Sometimes they do, but not always.

Now, Mr. President, I acquit the Senator from North Carolina of intentionally having sought to shut out any Member from discussing this bill, but it was the result of the action. No request for unanimous consent should be made except when a quorum of the Senate is present. The mere accident that a Senator takes advantage of an opportunity to go to lunch, or that many do, should not be taken advantage of either to call up a measure or to agree by unanimous consent during his absence, because it might get through then and would not at another time.

I say all this in good temper, but I say it within my rights, and I say it with the hope that it may find others in this body who approve of it. I regard the action of yesterday as one that will undermine the orderly procedure of this body and the possibility of getting unanimous consent for anything.

Mr. SMOOT. Mr. President, I was in the Senate Chamber when the unanimous-consent agreement was made, and I wish to assure the Senator from Idaho that if it had not been for a conference held with him I never would have agreed in his absence to a request fixing a time for a vote.

Mr. HEYBURN. If the Senator will permit me, I am a member of the Committee on Finance. I sat with the Senator in the meetings of that committee, and there is no member of that committee who was not advised of my position in regard to every one of these tariff schedules.

Mr. SMOOT. I will remind the Senator of the conference I refer to.

On Thursday, the Senator will remember, the question arose as to whether we could get a vote upon the bill to-day, and as I understood him at that time he was perfectly willing that a vote should be taken upon it to-day.

Mr. HEYBURN. I expressed my dissent in unqualified terms. I said—and I am going to be perfectly candid now, and I hope the Senator will not consider it a breach of confidence—I said whenever we had votes enough to beat the bill, without discussing it, I was willing to have a vote, but I wanted something more than the conjecture of somebody upon which to base it, because, so far as I am concerned, I am opposed to this measure and I am ready to vote upon it whenever a vote will beat it, and I am ready to discuss it until there are votes enough to beat it.

Mr. SMOOT. I think the Senator from New Hampshire heard what was said at the time we were discussing it, and I take it for granted—

Mr. HEYBURN. The Senator will take my word for what I say, regardless of what he takes for granted. He need not refer to the Senator from New Hampshire or anyone else.

Mr. SMOOT. I was going to say, if the Senator will allow me, that it was my fault, not his, if I misunderstood his position on this particular bill. I do not want to shirk any responsibility, if there is any personal responsibility, for securing a unanimous-consent agreement. It was furthest from my mind to agree to anything that would prevent any Senator from saying just what he wanted to upon this bill. I knew that it could be discussed on July 1. I had it in my mind, and so stated to the Senator from North Carolina, that we could meet early upon July 2, if necessary, and could remain in session till 12 o'clock midnight. That was before the Senator from North Carolina made his request for a vote on that legislative day.

I suppose that is why the Senator from Massachusetts and myself suggested that it be the calendar day.

I want the Senator from Idaho to understand that in his absence, and I recognize that he is a member of the Finance Committee, I would not have agreed to a specific time to vote if I had thought for one minute that he would have interposed an objection to it. I will say that I do not want to take a minute's time of the Senate to discuss the bill if there is not time for all Senators who want to speak on the 1st or 2d of July, and as far as I am concerned it would suit me if the Senator from Idaho would start the discussion on the bill, and if he could not get through on the first day that he should take all the time on the second day.

Mr. HEYBURN. Mr. President, I sincerely hope that many others will discuss this bill than myself. I am not promising that I will occupy any given time or at any time speak upon the bill. A Senator is not compelled a week ahead to say whether he will speak upon a measure or how long he will speak. You have foreclosed not only the senior Senator from Idaho, but you have foreclosed three-fourths of this body who were absent.

Mr. SMOOT. Mr. President, that would be true if all the three-fourths desired to speak.

Mr. HEYBURN. They have the right to speak.

Mr. SMOOT. They have the right to speak, but a great many of them have told me they did not intend to speak on the measure. I simply wanted to say, and I say it now to the Senator from Idaho, that, so far as I am concerned, I shall claim no time in the two days in which the bill can be discussed to speak unless there is a chance to do so without limiting the time desired by the Senator. I do not want to interfere with the right of any Senator to have all the time to speak that he desires, not only upon this measure, but every other measure. I can assure the Senator that there was no intention on anyone's part to foreclose him or any Senator from saying what he wishes to upon this particular measure.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18712) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain

soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20628) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22867) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23515) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 9.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, and 10, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23765) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

ANTI-INJUNCTION BILL.

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

The PRESIDENT pro tempore. The Chair will ask the indulgence of the Senator to state that morning business has not yet been closed.

Mr. NELSON. I supposed it was closed.

The PRESIDENT pro tempore. There is a matter which it is the duty of the Chair to bring to the attention of the Senate. The Chair finds upon the desk a resolution which came over from a former day, which should have been laid before the Senate day before yesterday. The present occupant of the chair did not occupy it the day preceding and had not information of the fact that the resolution was on the table. The Chair thinks it is entitled to its day in court, and it will now be laid before the Senate. It is the resolution offered by the Senator from New Jersey [Mr. MARTINE], and the Chair will lay it before the Senate for such disposition as the Senate sees proper to make of it.

Mr. MARTINE of New Jersey. Mr. President, I will say that I presented the resolution seriously and in good faith, and I desire a vote on it. But I am assured by Senators on the other side that in the event of pressing the resolution at this time the question of a quorum will be raised, and therefore I would be practically legislated out and would interfere thereby with the progress of business at this stage. In deference to that thought, I will consent that it may remain on the table, with the assurance to the Senate that I shall bring it up later in the day.

The PRESIDENT pro tempore. If there be no objection, that direction will be given to the resolution offered by the Senator from New Jersey.

THE CALENDAR.

Mr. NELSON. I renew my request.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that the Senate proceed to the consid-

eration of unobjected cases on the calendar under Rule VIII. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

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

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SIMMONS. If it is not out of order, I should like to ask unanimous consent to call up a bill.

The PRESIDENT pro tempore. The Chair would state that the unanimous consent just entered into under Rule VIII would require that each case be considered in its order, and only unobjected cases will be considered under the unanimous-consent agreement.

Mr. SIMMONS. The Chair holds it would not be in order to ask unanimous consent to consider a bill out of its order on the calendar?

The PRESIDENT pro tempore. If it had been taken up on motion, undoubtedly it could be considered, but the unanimous consent would preclude any other action by the Senate except that expressed in the terms of the unanimous-consent agreement. The Secretary will proceed with the calendar.

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

Mr. BRISTOW. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

Mr. HEYBURN. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The PRESIDENT pro tempore. It will go over.

VOCATIONAL EDUCATION.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure was announced as next in order.

Mr. PAGE. I feel like being considerate with all Members of the Senate and I do not wish to press Senate bill No. 3, now in order, but I should like at some time during the afternoon, if possible, to have it read and have it progress so far. With the understanding that later on I may take it up, after other important matters have been considered, I will make no objection to its going over.

Mr. GALLINGER. I will ask the Senator if the bill was not read some days ago?

Mr. PAGE. It never has been read.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. LODGE. Let it go over now.

The PRESIDENT pro tempore. The Chair will state that the Senate is proceeding under a unanimous-consent agreement.

Mr. PAGE. I merely wanted to make the statement; that is all.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. HEYBURN. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen, was announced as next in order.

Mr. HEYBURN. I ask that that may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

Mr. BRISTOW. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The resolution (S. Res. 242) directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, was announced as next in order.

Mr. SMOOT. I ask that this bill may go over, and that all these Indian bills shall go over.

The PRESIDENT pro tempore. The bill will go over. It will be necessary to indicate each one as we reach it.

The bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 9, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4536) to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851, was announced as next in order.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, was announced as next in order.

Mr. BRISTOW. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. OVERMAN. I move the indefinite postponement of the bill.

Mr. CRAWFORD. I do not think that would be quite fair, because this bill is to be considered in connection with the omnibus claims bill, and I assured the Senator from Pennsylvania, who is interested, that it would remain until some time when he is present.

Mr. OVERMAN. Then let it go over under Rule IX and be taken off this calendar.

The PRESIDENT pro tempore. Without objection, the bill will be transferred to the calendar under Rule IX.

Mr. SMOOT. I should like to have it remain on the calendar under Rule VIII, because the omnibus claims bill is liable to come up at any time.

Mr. CRAWFORD. I think that is true.

Mr. SMOOT. The omnibus claims bill is under Rule VIII, and this bill should also be under Rule VIII.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4159) for the relief of F. M. Lyman, jr., was announced as next in order.

Mr. CRAWFORD. The bill may go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 4230) for the relief of Robert F. Scott was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 364) for the relief of Ranney Y. Lyman was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 111) to authorize the sale and disposition of the surplus and unallotted lands in Washabaugh County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4780) for the erection of a memorial amphitheater at Arlington Cemetery was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. McCUMBER. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

The PRESIDENT pro tempore. This bill has been read as in Committee of the Whole and certain amendments have been agreed to.

Mr. HEYBURN. Let it be read for information.

Mr. OVERMAN. Let the bill go over. I think the Senator from Maryland [Mr. RAYNER] wants to discuss it.

The PRESIDENT pro tempore. The bill will go over.

THOMAS MARCUS MOLLOY AND JOSEPH HENRY CROZIER.

The bill (S. 5956) to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to restore in part the rank of Lieuts. Thomas Marcus Molloy and Joseph Henry Crozier, United States Revenue-Cutter Service, by placing their names in the order in which they are set forth herein on the official register of the service next after the name of First Lieut. William Henry Munter. But nothing in this act shall be construed to increase the number of officers allowed by law in the Revenue-Cutter Service, nor shall the officers whose rank is restored in part by this act be entitled to any back pay or emoluments on account thereof.

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

PETTY OFFICERS, ETC., OF NAVY AND MARINE CORPS.

The bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. LODGE. I wish to ask the Senator from North Carolina if he will not be willing to allow the bill to be considered. It has been read and amended. It is simply to give a very small number of survivors of the Civil War in the Navy and Marine Corps rank and rating to the next higher grade. It has been granted in the Army and it has been granted to the commissioned officers. These are noncommissioned officers and enlisted men of the Navy. There are very few remaining.

Mr. OVERMAN. About how many are there?

Mr. LODGE. I think it is stated in the report. I will look at the report. There are very few. It seems to me not unreasonable for them to receive it.

Mr. OVERMAN. The Senator, as I understand, says it has been done in the Army.

Mr. LODGE. Yes.

Mr. OVERMAN. If it has been, I raise no objection to the consideration of the bill.

Mr. LODGE. This bill is aimed merely to give these men what all other officers of the Army and Navy receive because of Civil War service. About 115 enlisted men in the Navy and Marine Corps now on the retired list would be affected by it.

The PRESIDENT pro tempore. The Senator from North Carolina withdraws his objection, and the Secretary will read the bill.

The Secretary proceeded to read the bill (S. 2605) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade.

Mr. LODGE. The bill has been heretofore read and amended, Mr. President.

The PRESIDENT pro tempore. The Chair is informed that there are no amendments.

Mr. LODGE. I know the bill has been read.

The PRESIDENT pro tempore. If it is not desired that the bill shall be reread, it will not be. Is there objection to the present consideration of the bill?

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

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

BILLS PASSED OVER.

The bill (S. 117) granting an increase of pension to Annie G. Hawkins was announced as next in order.

Mr. McCUMBER. In the absence of the Senator from Delaware [Mr. DU PONT], who reported that bill, I ask that it may go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next in order.

Mr. McCUMBER. I also ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

ENTRIES ON ALASKAN COAL LANDS.

The bill (S. 5860) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The Chair is informed that the bill has been heretofore read.

Mr. SMOOT. The bill has been read.

The PRESIDENT pro tempore. If the rereading is not desired, as the title has just been read, the Chair will not direct that the bill be again read.

Mr. HEYBURN. I think I shall have to ask that the bill be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. HEYBURN. Mr. President, I only asked for the rereading of the bill in order to be certain as to a part of it that was being passed over so rapidly that I did not have time to examine it. I now move to strike out the word "public," in lines 3 and 4, on page 1. Of course, if they are reserved lands, they are not public lands under the statute.

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

The SECRETARY. On page 1, in line 3, after the word "unreserved," it is proposed to strike out the word "public."

Mr. HEYBURN. The very class of lands there described are held not to be public lands.

Mr. SMOOT. Let the section be read as it is proposed to be amended.

The SECRETARY. If amended as proposed, the section will read:

That from and after the passage of this act unreserved lands of the United States in Alaska which have been withdrawn or classified as coal lands, or are valuable for coal, shall be subject to appropriate entry under the homestead laws by actual settlers only, and all applications to make entry under the homestead laws upon such lands shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

Mr. SMOOT. If they were reserved lands, I would have no objection to the amendment offered by the Senator from Idaho.

Mr. HEYBURN. Of course, I should like to see the words "reserved" and "unreserved" in the proposed amendment, because it has been held and sustained that lands withdrawn from settlement are not public lands and not included within the designation of public lands in the statute. Of course, this ought to read "reserved and unreserved," but I shall not enter into that contest to-day. I will only deal with the one word.

The PRESIDENT pro tempore. The amendment offered by the Senator from Idaho will, without objection, be agreed to. Does the Senator from Idaho desire the further reading of the bill?

Mr. HEYBURN. No; I do not insist upon it.

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

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

BILLS PASSED OVER.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy was announced as next in order.

The PRESIDENT pro tempore. The Chair is informed that this bill was read in full on the 11th of May.

Mr. BRISTOW. I should like to inquire what the bill proposes to do, if any member of the committee from which it was reported is present?

Mr. LODGE. It proposes to establish a medical reserve.

Mr. PERKINS. The report will show, I think, Mr. President, the object of the bill, and I should like to have the report read.

Mr. CRAWFORD. Let us hear the report.

Mr. LODGE. It does not propose to increase expenses.

The PRESIDENT pro tempore. The report will be read.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDENT pro tempore. The bill goes over.

Mr. BRISTOW. I remember the bill now, and I have no objection to it. I do not ask that it go over.

Mr. HEYBURN. I have objected to its consideration.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 20182) to amend an act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, approved August 5, 1909, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The joint resolution (S. J. Res. 99) authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the Corps of Cadets of the United States Military Academy, and sentenced them, was announced as next in order.

Mr. BRISTOW. Let that go over.

The PRESIDENT pro tempore. The joint resolution goes over.

REWARDS FOR IMPROVEMENTS IN MANUFACTURING PROCESSES, ETC.

The bill (H. R. 17937) authorizing the Secretary of War to pay a cash reward for suggestions submitted by employees of certain establishments of the Ordnance Department for improvement or economy in manufacturing processes or plant, was announced as next in order.

The Secretary proceeded to read the bill.

Mr. HEYBURN. I object to the present consideration of the bill.

The PRESIDENT pro tempore. The bill goes over.

Mr. BRISTOW. I hope the Senator from Idaho will not object to the consideration of that bill.

Mr. HEYBURN. Probably a minute's consideration might obviate my objection, but there arose in my mind from the reading of the clause that a gross appropriation of a thousand dollars a year might all go to one person. There is no limitation as to the amount that may be given as a reward for these suggestions, or "series of suggestions," or whatever they may be. There should be a little more careful provision in regard to that point. Then this exemption of the United States in the last clause is, of course, quite far-reaching. This might go to an extent that would be the basis of a change in the whole system of the ordnance of the United States.

Mr. BRISTOW. I think I can explain the bill to the Senator. The purpose is to encourage employees of the Government to suggest improvements and economies in operation, manufacturing processes, and so forth, and to provide rewards therefor the same as is done by the great corporations. The exemption of which the Senator speaks is simply this: If an employee makes a suggestion which results in economy and saving, he is given a reward; and he can not make a future claim on the Government for additional compensation for the use of his suggestion.

Mr. HEYBURN. Can he patent it?

Mr. BRISTOW. Oh, no.

Mr. HEYBURN. Can he patent it for sale to the general public outside of the Government?

Mr. BRISTOW. That, of course, is not covered; that would be between him and the public; but he can not receive from the Government anything additional, because he voluntarily gives this suggestion to the Government, and if, in the judgment of the Secretary of War and the board which examines it, it proves to be useful, he is given a reward for his industry, his thoughtfulness, and his ingenuity.

Mr. HEYBURN. I think that is all right and I am thoroughly in sympathy with it, but the question is whether or not, after he has received a reward, he may still patent the invention and compel the general public to pay for the use of it?

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him in this connection?

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

Mr. HEYBURN. Yes.

Mr. NELSON. When a man has allowed the Government, voluntarily, to use a suggestion or invention of his, he has made it public, and he can not afterwards secure a patent on it.

Mr. HEYBURN. But he might at the same time, or immediately prior thereto, file his caveat in the matter and thus secure himself. I was prompted to object to the consideration of the bill, because I thought it involved a number of points that ought to be considered. I am in sympathy with the spirit of the legislation; I only would like to see that we do not pass it so hastily as not to secure efficient and good legislation.

Mr. BRISTOW. The Committee on Military Affairs went into the subject very thoroughly, conferred with the War Department about it, and they think that it will result in an increased efficiency and encouragement to employees, and that the public, as well as the Government, is amply protected.

Mr. HEYBURN. It will accomplish that, but the question is whether it affects the rights of the general public outside of the Government? Of course, when you cover inventions affecting machinery and methods of employing machinery, probably the largest users of those things are individuals and firms outside of the Government. We have in our great machine shops to-day a number of articles similar in use and construction to those used by the Government which are the basis of vast manufacturing enterprises.

I know the Senator from Kansas would not desire to pass an imperfect piece of legislation merely to get it through to-day.

Mr. BRISTOW. Oh, no; it has been on the calendar for a long time.

Mr. HEYBURN. That is the reason my mind was directed to it, because it has been so long on the calendar.

Mr. BRISTOW. It went over once before on the objection of the Senator from Idaho, and I had hoped that in the meantime he had probably considered the bill.

Mr. HEYBURN. I have, and what I say is the result of the consideration I have given it since that time.

Mr. BRISTOW. Of course, no one has any interest in it except the interest of the general public in promoting efficiency on the part of Government employees.

Mr. HEYBURN. I see it comes here as a House bill.

Mr. BRISTOW. Yes.

Mr. HEYBURN. That makes it all the more important to give it consideration. There being, of course, no matters to go

into conference, it makes it very important that we give the measure careful consideration, otherwise it just steps right from here onto the table of laws.

Mr. LODGE. The Government is protected, as I understand.

Mr. HEYBURN. Yes; but how about the public?

Mr. LODGE. The public is protected, of course, because by giving the suggestion to the Government the patent is made public.

Mr. HEYBURN. Not if the inventor had filed a caveat the day before it was given to the Government.

Mr. LODGE. I think that is pretty remote. An employee of the Government can not sell a patent to the Government.

Mr. HEYBURN. He does not have to sell it to the Government, but he may sell it to the public.

Mr. LODGE. He has a right to do that; if he is outside he can do that.

Mr. GALLINGER. To cover that suggestion, I feel sure the Senator from Kansas would have no objection to adding after the word "assigns," the words "and that application for patent has not been made on the invention."

Mr. HEYBURN. The amendment removes my objection.

Mr. BRISTOW. That is satisfactory.

Mr. GALLINGER. I suggest that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "assigns," in line 16, it is proposed to insert a comma and the words "and that application for patent has not been made on the invention."

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 6497) to protect migratory game and insectivorous birds in the United States was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

The OVERMAN. Let that bill go over also.

The PRESIDENT pro tempore. The bill will be passed over.

ENLARGED HOMESTEADS.

The bill (S. 6551) to amend section 3 of an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole.

The Secretary proceeded to read the bill.

Mr. LODGE. Mr. President, I see that this bill and the next number but one on the calendar are bills to amend the same act—the act to provide for an enlarged homestead. I do not profess to understand either of the bills.

Mr. NELSON. I will explain the bill to the Senator. Some years ago we passed a law providing for 320-acre homesteads in the semiarid States, where they could not irrigate the land and had to resort to dry farming. That law originally was applied to Montana. The purpose of this bill is to extend that law to the State of Colorado; that is all. One peculiarity about these homesteads is that they can not be commuted. The people taking them up have to comply with the homestead law.

Mr. LODGE. I have no objection. Is the subsequent bill, No. 628 on the calendar, the same kind of a bill?

Mr. NELSON. Yes; it is of the same nature.

Mr. LODGE. Very well. I have no objection.

The Secretary resumed and concluded the reading of the bill.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 8, to strike out the words "in the same land-office district as" and insert "within 6 miles of."

Mr. HEYBURN. Mr. President, I wish the Senator in charge of the bill were present. It presents this problem: A man may have part of his tract entered in one land office and part of it in another, and they may be 300 miles apart. I can call up in my mind instances of that kind. I regret that the Senator from Colorado is not here.

Mr. NELSON. The amendment removes that objection. It limits it to within 6 miles of the original homestead.

Mr. HEYBURN. Suppose the first homestead is within a mile or half a mile of the line between the land districts, then the man will enter part of it in one land district and part of it in another.

Mr. NELSON. This takes the place of that, as I understand.

Mr. HEYBURN. It is very unfortunate. I am not going to block the passage of these bills. They were considered in

the committee of which I am a member. But I think it no more than fair, on the floor, that Senators should have the benefit of the suggestions that were made in the committee. It is a very awkward provision. In the first place it permits a man to obtain a homestead without living on it. Then it permits him to have one homestead in one land district and another homestead in another land district.

Mr. NELSON. But he has to live five years on either the original homestead or the additional land.

Mr. HEYBURN. Of course, that is applicable to all.

Mr. NELSON. He can not commute.

Mr. HEYBURN. No.

I have said about all I want to say, I think, in regard to this law, which in my judgment was a very bad one, and is being made the subject of a good bit of graft right now. I introduced a resolution, which was passed by the Senate, calling upon the Secretary of the Interior for a statement as to the number and area of additional homesteads. Senators have copies of it in their desks or at their disposal. They will be astonished at the result of this enlarged homestead legislation. I want people in the country, and I do not want one man to have it all.

However, I expressed myself fully on that subject on a former occasion, and I merely call attention to the matter at this time. I will not raise any objection to the bill.

The amendment was agreed to.

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

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

COLLECTION OF TAXES.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

Mr. BROWN. I trust the Senator will not insist on that course.

Mr. SUTHERLAND. I know there is at least one Senator who wants to be here when the bill is considered. I think, myself, there ought to be an amendment suggested to it. I have not formulated in my own mind just what it should be. I do not make any objection to the bill itself.

Mr. BROWN. I very much regret it has to go over again. It went over on a former occasion.

The PRESIDENT pro tempore. The bill will go over, under objection.

ENLARGED HOMESTEADS.

The bill (S. 6383) to amend an act approved February 19, 1909, entitled "An act to provide for an enlarged homestead," was announced as next in order.

Mr. SMOOT. Mr. President, in the enlarged-homestead bill the provisions of this bill were included. Therefore it is not necessary to enact this bill into law. The Senator reporting the bill is not here, however, and I shall therefore ask that it go over under Rule IX.

The PRESIDENT pro tempore. The Senator from Utah asks that the bill be transferred to the calendar under Rule IX. Without objection, it is so ordered.

WIRELESS TELEGRAPHY IN THE PHILIPPINES.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. OVERMAN. What is the amount proposed to be appropriated?

The PRESIDENT pro tempore. One hundred and fifty thousand dollars.

Mr. OVERMAN. Let the bill go over, Mr. President.

Mr. McLEAN. I should like to inquire whether the Senator from North Carolina asks for a postponement because of the absence of some Senator interested in the bill or because he is personally opposed to it?

Mr. OVERMAN. I am opposed to the Government spending any more money in the Philippines. The Philippine government have plenty of money of their own. They have \$14,000,000 a year. Let them erect their wireless apparatus themselves. That is my idea. Instead of the Government spending \$150,000 on its insular possessions, as long as they are now on their feet, let them erect the apparatus themselves. I object to the bill.

Mr. McLEAN. As I understand, when there is objection made to a bill by a Senator, it is not in order to move its consideration notwithstanding the objection.

The PRESIDENT pro tempore. It is not, under the unanimous-consent agreement.

HEIRS OF JOHN W. WEST, DECEASED.

The bill (S. 1231) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. OVERMAN. I object to the consideration of the bill at this time. I want to know more about it.

The PRESIDENT pro tempore. The bill will go over.

RETIRED OFFICERS OF THE NAVY AND MARINE CORPS.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. GORE. I object to the consideration of the bill.

The PRESIDENT pro tempore. It will go over.

PHARMACISTS IN THE NAVY.

The bill (S. 2795) to promote pharmacists to the grade of chief pharmacist in the Navy was announced as next in order.

Mr. PERKINS. The bill should be passed over temporarily, for the reason that its substance is included in the naval appropriation bill.

The PRESIDENT pro tempore. The bill will go over.

TESTAMENTARY DISPOSITION OF INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

COAL MINING IN OKLAHOMA.

The bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, was announced as next in order.

Mr. GALLINGER and Mr. LODGE. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

WILLIAM E. FARRELL.

The bill (S. 4331) for the relief of William E. Farrell was considered as in Committee of the Whole.

It proposes to authorize the President to appoint William E. Farrell, late midshipman, an ensign in the United States Navy, and to place him upon the retired list as such with three-fourths of the pay of his grade.

Mr. OVERMAN. I will not object to the bill, but I should like to know if there is any reason for providing for this officer in this manner.

Mr. PERKINS. I think the letter from the Acting Secretary of the Navy will explain that. It is printed in the report.

Mr. OVERMAN. Is it recommended by the Acting Secretary?

Mr. PERKINS. Yes.

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

Mr. OVERMAN subsequently said: Mr. President, I think the Senator from California [Mr. PERKINS], upon looking at the report, will see that the Acting Secretary of the Navy does not approve the bill. I think he has another bill in mind.

Mr. SMOOT. This is what the Acting Secretary of the Navy says:

There is no provision of law which covers the conditions existing in the case under consideration, and while the department realizes the fact that the disease was contracted in line of duty, yet it feels constrained not to give its approval to special measures, particularly in view of the fact that the object sought is to place upon the retired list of the Navy one who is not now connected with the service.

Mr. OVERMAN. I think we had better reconsider that bill, Mr. President.

Mr. LODGE. I supposed it had been approved by the Acting Secretary of the Navy.

Mr. SMOOT. As a matter of fact, just the reverse is the case. He disapproves it.

Mr. CRAWFORD. I move that the vote by which the bill was passed be reconsidered, and then that it go over.

The motion to reconsider was agreed to.

Mr. CRAWFORD. Now let it go over, Mr. President.

Mr. OVERMAN. I ask that it be placed under Rule IX.

Mr. PERKINS. I have no objection, Mr. President.

The PRESIDENT pro tempore. It will be so ordered, without objection.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. CRAWFORD. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

FRANKLIN PIERCE.

The bill (S. 5806) to correct the naval record of Franklin Pierce was announced as next in order.

Mr. LODGE. There is an adverse report from the committee, and the bill ought to be indefinitely postponed. I move that it be indefinitely postponed.

The motion was agreed to.

BILLS OF LADING.

The bill (S. 957) relating to bills of lading was announced as next in order.

Mr. CRAWFORD. I ask that it go over.

The PRESIDENT pro tempore. The bill will go over.

PUBLIC BUILDING AT SANTA BARBARA, CAL.

The bill (S. 6330) increasing the cost of erecting a public building at Santa Barbara, Cal., was considered as in Committee of the Whole.

It proposes to increase to \$120,000 the limit of cost heretofore fixed for the erection of a public building at Santa Barbara, Cal.

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

PUBLIC BUILDING AT OCONTO, WIS.

The bill (S. 5354) to acquire a site and for the erection thereon of a public building at Oconto, Wis., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out, on page 1, line 11, the word "seventy-five" and insert "seventy," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire a site and erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Oconto, in the State of Wisconsin, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$70,000.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT SALISBURY, MD.

The bill (S. 6413) for the purchase of a site and erection of a Federal building at Salisbury, Md., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Salisbury, county of Wicomico, State of Maryland, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of \$90,000.

The amendment was agreed to.

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

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

PUBLIC BUILDING AT CRISFIELD, MD.

The bill (S. 6178) for the purchase of a site and erection of a Federal building at Crisfield, Md., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds, with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Crisfield, county of Somerset, State of Maryland, the cost of said site and building, including the above-mentioned apparatus, not to exceed the sum of \$65,000.

The amendment was agreed to.

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

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

RELIEF OF WINNEBAGO INDIANS.

The bill (H. R. 18849) for the relief of the Winnebago Indians of Nebraska and Wisconsin was considered as in Committee of the Whole.

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

THE CHEMICAL SCHEDULE.

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

The SECRETARY. A bill (H. R. 20182) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Mr. SMOOT. I ask that the unfinished business be temporarily laid aside.

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

CONTRACTS FOR FUTURE COTTON DELIVERY.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. OVERMAN. Let that go over, in the absence of the author of the bill, the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. The bill will go over.

Mr. PERCY. If there is no objection, I ask that it go to the calendar under Rule IX.

The PRESIDENT pro tempore. The Senator from Mississippi asks that the bill go to the calendar under Rule IX. Without objection, it will be so ordered.

MRS. C. N. GRAVES.

The bill (S. 1302) for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, was considered in Committee of the Whole. It proposes to pay to Mrs. C. N. Graves, widow of R. F. Graves, jr., deceased, the sum of \$7,000, being the amount assessed for the use and occupation of the property of said R. F. Graves, jr., in Prince George County, Va., by the board of survey appointed for that purpose May 30, 1865.

Mr. GALLINGER. In line 6, after the word "junior," I move to strike out the word "deceased," and likewise in the title when that is considered. Being a widow, the presumption is that the husband is deceased.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Mrs. C. N. Graves, widow of R. F. Graves, jr."

PUBLIC HIGHWAY IN CADDO COUNTY, OKLA.

The bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 2, line 7, after the word "erect," to insert the words "and maintain," so as to make the bill read:

Be it enacted, etc., That a tract of land 66 feet wide and about three-fourths of a mile in length, situate in Caddo County, State of Oklahoma, described as follows, to wit: Beginning at the point where the south line of the right of way of the Chicago, Rock Island & Pacific Railway crosses the section line between sections 14 and 15, township No. 7 north, range 10 west of the Indian meridian, thence south along said section line 66 feet, then easterly along a line parallel with the right of way of said railway for a distance of about three-quarters of a mile to the west line of the public highway, running north and south, thence north along the west line of said public highway 66 feet, thence westerly along the south line of the right of way of the aforesaid railway to the place of beginning, be, and the same is hereby, set apart as a public highway for the use of the public as such, on condition that the city of Anadarko, Okla., erect and maintain a substantial and suitable fence along the south side of the road hereby set apart, subject to the approval of the Secretary of the Interior: *Provided*, That should said highway ever be abandoned or vacated by any competent authority the title to the said described tract of land shall inure to the then owner of the tract of which it formed a part by the original survey.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 21214) to extend the special excise tax now levied with respect to doing business by corporations, to persons, and to provide revenue for the Government by levying a special excise tax with respect to doing business by individuals game resources was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

FISH-CULTURAL STATION IN NEW MEXICO.

The bill (S. 6590) to establish a fish-cultural station in the State of New Mexico was considered as in Committee of the Whole. It proposes to appropriate \$25,000 for the establishment of a fish-cultural station in the State of New Mexico, including purchase of site, construction of building and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

Mr. CATRON. There is no amendment to the bill.

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

PUBLIC BUILDING IN LAS VEGAS, N. MEX.

The bill (S. 6744) to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex., was announced as next in order.

Mr. CATRON. At the request of my colleague [Mr. FALL], who introduced the bill, and who is now necessarily absent, I ask that it may go over until his return.

The PRESIDENT pro tempore. The bill will go over.

TERM OF PRESIDENT OF THE UNITED STATES.

The joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over.

NAVAL MILITIA.

The bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, was announced as next in order.

Mr. CURTIS. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

CHARLES C. CROWELL.

The bill (S. 5170) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay \$36 to reimburse Charles C. Crowell, late sergeant, Company B, Thirty-fifth Regiment United States Infantry, for two months' extra pay in lieu of traveling expenses.

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

ADULTERATED SEEDS.

The bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes was announced as next in order.

Mr. LODGE. Let that go over.

PERSONNEL OF THE NAVY.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. PERKINS. That is provided for in the naval appropriation bill and can be passed over.

The PRESIDENT pro tempore. The bill will go over on the request of the Senator from California.

BIG SANDY RIVER BRIDGES, KENTUCKY.

The bill (H. R. 23461) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky., was considered as in Committee of the Whole.

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

The bill (H. R. 23460) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky., was considered as in Committee of the Whole.

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

LAKE ERIE AND OHIO RIVER CANAL.

The bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to perform the engineering work necessary for the construction of a canal between Lake Erie and the Ohio River, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments, on page 1, line 7, to strike out "perform the engineering work necessary for" and insert "supervise and direct"; in line 9, to strike out "a" and insert "the"; on page 2, line 6, to strike out "and" and insert "or"; in line 7, after the word "them," to insert "make request therefor"; in line 14, after "authority," to insert the following proviso:

Provided, That the work shall be executed under the direction of the Secretary of War and provision of the Chief of Engineers—

And to strike out section 2 of the bill; so as to make the bill read:

Be it enacted, etc., That the Secretary of War is hereby authorized and instructed, as recommended in the report of the National Waterways Commission, to direct the Chief of Engineers to detail, without charge for services, such officers from the Corps of Engineers as he shall deem requisite to supervise and direct the construction of the proposed waterway suitable for the transportation of steamships, steamboats, barges, or other vessels from the junction of the Ohio and Beaver Rivers, in Pennsylvania, by way of the Beaver and Mahoning Rivers, to a point at or near Niles, Ohio; thence to a terminal on the shore of Lake Erie at the mouth of Indian Creek, whenever the States of Pennsylvania, Ohio, and West Virginia, or certain counties therein, or any of them, make request therefor, and have available for the construction of said waterway the sum of \$10,000,000 in cash and have authorized the issue of bonds to the amount of \$50,000,000, or to such further amount as is necessary. In the opinion of the Secretary of War, to insure the completion of said waterway, and the legality of such bonds has been certified by competent legal authority: *Provided*, That the work shall be executed under the direction of the Secretary of War and supervision of the Chief of Engineers.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to supervise and direct the construction of a canal between Lake Erie and the Ohio River, and for other purposes."

HENRY O. SLAYTON.

The bill (S. 6332) to restore to the active list First Lieutenant of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, on page 1, line 7, after the word "number," to strike out "seven" and insert "eighteen," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the active list of the Revenue-Cutter Service Henry O. Slayton, first lieutenant of engineers, United States Revenue-Cutter Service, retired, as an extra number, to take rank as No. 18 on the list of first lieutenants of engineers: *Provided*, That said Henry O. Slayton is found physically fit for active duty by a medical board appointed by the Secretary of the Treasury.

The amendment was agreed to.

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

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

TARIFF DUTIES ON WOOL.

The bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER (Mr. NELSON in the chair). The bill will go over.

JOHN W. SAVILLE.

The bill (S. 171) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank was considered as in Committee of the Whole. It provides that John W. Saville, passed assistant engineer, United States Navy, retired, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with rank and retired pay of one grade above that now actually held by him, and that this promotion and the increased pay incident thereto shall take effect from and after the date of the passage of this act.

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

R. W. BRANSON.

The bill (S. 4693) for the relief of R. W. Branson was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 2, line 1, before the word "dollars," to strike out "fifty" and insert "thirty"; and in line 2, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to R. W. Branson, of Blackland, Okla., formerly postmaster at Cherokee, State of Kansas, to reimburse said R. W. Branson for damages suffered by him on account of the destruction caused by the blowing open of the safe in which were deposited the postal funds, stamps, etc., of the post office at Cherokee, State of Kansas, it appearing that said loss was without fault or negligence on the part of the said postmaster, the sum of \$230; and the sum of \$230 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay said claim.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

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

LIENS OF JUDGMENTS AND DECREES.

The bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States" was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, on page 1, line 6, to insert:

This act shall take effect on and after January 1, 1913.

Mr. CLARKE of Arkansas. Let the bill go over with the amendment pending. I object to its present consideration.

The PRESIDING OFFICER. The bill will go over.

Mr. THORNTON. I think if the Senator from Arkansas will observe the bill he will see that it is purely a local matter.

Mr. CLARKE of Arkansas. The Senator is evidently mistaken as to the particular matter that is before the Senate. The measure to the consideration of which I object is House bill 18017, to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

Mr. THORNTON. I call the attention of the Senator from Arkansas to the fact that the bill has only a local effect with reference to the recording of judgments of the United States District Court for the Eastern District of Louisiana.

Mr. CLARKE of Arkansas. The title of the bill as given on the calendar indicated its scope, and as we are not considering matters likely to provoke debate I thought the shortest way out of it was to object to its consideration. If the Senator from Louisiana gives assurance that it is a local matter exclusively, although the title indicates otherwise, I withdraw the objection.

Mr. THORNTON. That is my understanding.

Mr. CLARKE of Arkansas. Unless the Senator is entirely certain about it, I would not like to repeal an existing law on the subject of liens of judgments and decrees in the Federal courts. It had better go over and I will look into it.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 14925) to amend "An act to parole United States prisoners, and for other purposes," approved June 25, 1910, was announced as next in order.

Mr. LODGE. Let the bill go over. It is a very important and serious bill. It ought to be under Rule IX. I want to be heard when the bill is taken up.

The PRESIDING OFFICER. The bill will go over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. HEYBURN. Let the bill go over.

The PRESIDING OFFICER. It will go over.

The bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, was announced as next in order.

Mr. SMOOT. The bill will go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. The bill will go over.

LANDS IN LAWRENCE AND PENNINGTON COUNTIES, S. DAK.

The bill (H. R. 20480) excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands

within forest reserves," was considered as in Committee of the Whole.

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

MOUNT RAINIER NATIONAL PARK.

The bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

NOTARIES PUBLIC IN THE DISTRICT OF COLUMBIA.

The bill (S. 6545) to amend section 558 of the Code of Law of the District of Columbia, relating to notaries public, was considered as in Committee of the Whole.

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

PUBLIC BUILDING AT WESTON, W. VA.

The bill (S. 6341) to provide for the erection of a public building at Weston, W. Va., was announced as next in order.

Mr. SMOOT. I notice that there is no report accompanying the bill and for that reason I should like to have it go over to-day.

The PRESIDING OFFICER. The bill will be passed over.

JOSEPH B. RILEY, ALIAS THOMAS B. KEESY.

The bill (S. 1330) for the relief of Joseph B. Riley, alias Thomas B. Keesy, was considered as in Committee of the Whole.

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

That in the administration of the pension laws Joseph B. Riley, alias Thomas B. Keesy, who was a private of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, and Company D, Eleventh Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of Company I, Thirty-fourth Regiment Ohio Volunteer Infantry, on the 14th day of February, 1863, and to have been discharged honorably from that service as a member of Company D, Eleventh Regiment Michigan Volunteer Cavalry, on the 24th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

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

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

WILLIAM MULLALLY.

The bill (S. 1485) for the relief of William Mullally was announced as next in order.

Mr. POMERENE. I suggest that that bill go over, in the absence of members of the Committee on Military Affairs.

The PRESIDING OFFICER. The bill will be passed over.

WIDENING AND EXTENSION OF SPRING ROAD.

The bill (S. 5333) to authorize the widening and extension of Spring Road NW., and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments. The first amendment was, in section 1, page 2, line 2, after the word "avoid," to insert "substantial," so as to read: "That the Commissioners of the District of Columbia be, and they are hereby, authorized to prepare a new highway plan for Spring Road, between New Hampshire Avenue and Twentieth Street NW., so as to avoid substantial improvements lying in said road as now proposed," etc.

The amendment was agreed to.

The next amendment was, in section 1, page 2, line 15, after the word "road," to insert:

Provided further, That in the new highway plan the north line of Spring Road at New Hampshire Avenue shall conform approximately to the present north line of Rock Creek Church Road at that point, and that Spring Road, as laid down in the existing highway plan between Sixteenth Street and Spring Place, shall be abandoned between these points.

The amendment was agreed to.

The next amendment was, in section 2, page 3, line 11, after the word "herein," to insert "for the widening of Spring Place between Fourteenth Street and Sixteenth Street to a width of 90 feet."

The amendment was agreed to.

Mr. HEYBURN. In section 2, page 3, line 3, before the words "to condemn," I move to strike out the words "proceeding in rem" and to insert "proper proceeding."

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

The SECRETARY. In section 2, page 3, line 3, before the words "to condemn," it is proposed to strike out the words "proceeding in rem" and to insert "proper proceeding."

The amendment was agreed to.

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

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

BILL PASSED OVER.

The bill (S. 2451) providing against the abandonment of destitute, infirm, or aged parents was announced as next in order.

Mr. HEYBURN. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

GAS MAIN ALONG CONDUIT ROAD.

The bill (S. 6672) to authorize the president and directors of the Georgetown Gas Light Co. to lay a gas main in and along the Conduit Road from a point beginning at the existing gas main in the Foxhall and the Conduit Roads, to the District line, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 5, after the word "empowered," to insert "subject to and in accordance with such regulations as may be prescribed by the Secretary of War," so as to make the bill read:

Be it enacted etc. That the president and directors of the Georgetown Gas Light Co. be, and they are hereby, authorized and empowered, subject to and in accordance with such regulations as may be prescribed by the Secretary of War, to lay a gas main for the purpose of conducting gas in and along the Conduit Road from a point beginning at the existing gas main belonging to said company in Foxhall and Conduit Roads and extending therefrom in a northwesterly direction in and along said Conduit Road to the District line, the same to be subject to existing laws governing the manufacture and sale of gas for light, heat, and power in the District of Columbia; and all work in laying said main to be done under the supervision of the War Department.

The amendment was agreed to.

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

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

JOHN DUGGAN.

The bill (S. 6682) for the relief of John Duggan, alias John McCarty (or McCarthy) was considered as in Committee of the Whole. It proposes that in the administration of the pension laws John Duggan, alias John McCarty (or McCarthy), shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Troop K, Sixth Regiment United States Cavalry, on the 27th of July, 1865, but no pension shall accrue prior to the passage of this act.

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

BILL PASSED OVER.

The bill (S. 6217) to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. HEYBURN. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill goes over.

GEORGE W. BROWN.

The bill (S. 4675) for the relief of George W. Brown was considered as in Committee of the Whole. It proposes that in the administration of the pension laws George W. Brown, who was a captain of the Fifty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that regiment on the 1st of February, 1864; but no pay, bounty, back pension, or other emolument shall accrue or become payable by virtue of the passage of this act.

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

WILLIAM Z. NORMAN.

The bill (H. R. 16493) to correct the military record of William Z. Norman was considered as in Committee of the Whole.

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

That in the administration of the pension laws William Z. Norman, who was enrolled in the service of the United States on the 18th day of January, 1862, at Spencer, Va., and assigned as a private to Company C, Eleventh Regiment Virginia Volunteer Infantry, which regiment afterwards became the Eleventh Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been

captured by the enemy and shot and killed on or about the 1st day of December, 1862, while in the line of duty: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (S. 4355) incorporating the National Institute of Arts and Letters was announced as next in order.

Mr. HITCHCOCK. I think that bill had better go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4356) incorporating the National Academy of Arts and Letters was announced as next in order.

Mr. HITCHCOCK. I ask that that bill go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. CURTIS. Let that bill go over.

The PRESIDING OFFICER. The bill goes over.

ALIENATION OF ALLOTTED LANDS IN CHEROKEE NATION.

The bill (S. 6126) for the purpose of removing restrictions on encumbrance and alienation of allotted lands within the Cherokee Nation was considered as in Committee of the Whole.

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

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be appraised, through the United States Indian agent at the Union Agency, Okla., the tracts of surplus lands which were allotted to the Indians of the Cherokee Nation of Indians in tracts of 30 acres or less, and which tracts are now unoccupied and do not adjoin the homesteads of said allottees. Each tract shall be appraised separately and at its actual value, and the United States Indian agent at said Union Agency may cause a reappraisal of any tract if in his judgment the circumstances warrant such action. After such appraisal the allottee of any of such tracts is hereby authorized to sell and dispose of any of such tracts of 30 acres or less allotted to him which does not adjoin his homestead: *Provided*, That such sale shall not be for less than the appraised value of such tract; and such sale shall be approved by the United States Indian agent at the Union Agency, but the Secretary of the Interior may from time to time designate any other person to so act in lieu of or in addition to said United States Indian agent: *Provided further*, That such purchase price shall be paid to the allottee through said United States Indian agent, and in case the allottee is an Indian of three-quarters blood or more the money received from the sale of any tract allotted to such Indian shall be used for the benefit of such allottee.

The amendment was agreed to.

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

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

EXCHANGE OF OSAGE ALLOTMENTS.

The bill (S. 6686) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve; but where a homestead or homesteads pass in the exchange, in whole or in part, an equivalent in value of land suitable for agricultural purposes shall be furnished, to be designated as a homestead, the new homestead to be subject to the same restrictions as the original homestead; and the Secretary is authorized to do any and all things necessary to make these exchanges effective.

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

BRIDGES ACROSS TUG FORK OF THE BIG SANDY RIVER.

The bill (H. R. 20593) to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River was considered as in Committee of the Whole.

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

NAVAL APPROPRIATION BILL.

The bill (H. R. 24665) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will go over.

PUBLIC BUILDING AT RIPON, WIS.

The bill (S. 6650) for a site and the erection of a public building at Ripon, Wis., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to acquire a site and erect thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Ripon and State of Wisconsin, the cost of the building, including vaults, heating and ventilating apparatus, and approaches, complete, not to exceed \$75,000.

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

ANDREW FLOYD.

The bill (S. 1001) to correct the military record of Andrew Floyd and grant him an honorable discharge was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Andrew Floyd, who served in Company I, Thirty-fifth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 4th day of May, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Andrew Floyd."

FLORIDA EAST COAST RAILWAY CO.

The bill (S. 1589) to authorize the exchange of conveyances between the Florida East Coast Railway Co. and the United States was considered as in Committee of the Whole. It empowers the Secretary of War to exchange conveyances with the Florida East Coast Railway Co. for the adjustment of a boundary line between the military reservation of Key West Barracks, on the island of Key West, Fla., and the land in front of the reservation filed in by the railway company under permission of the Secretary of War, as authorized by law, in accordance with the memorandum of agreement between the railway company and Maj. George G. Bailey, quartermaster, United States Army, dated December 5, 1910, which agreement is ratified.

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

JAMES L. CHASE.

The bill (S. 2147) for the relief of James L. Chase was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James L. Chase, now a resident of Ayer, Mass., shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Third Regiment New Hampshire Volunteer Infantry, on the 14th of April, 1864; but no pension shall accrue prior to the passage of this act.

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

APACHE INDIANS, FORT SILL MILITARY RESERVATION, OKLA.

The bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Indians Affairs with an amendment, in section 1, page 2, line 8, after the word "sell," to insert "the live stock"; and in line 9, after the word "either," to strike out "the," so as to make the section read:

That the Secretary of War is hereby authorized to remove to and establish on the Mescalero Apache Indian Reservation, in New Mexico, all persons now held as Apache prisoners of war on the Fort Sill Military Reservation, in Oklahoma, who may desire to go to said Mescalero Apache Reservation. The desires of said Indians shall be ascertained by a commission of two persons, one a representative of the War Department and one a representative of the Interior Department, to be selected by the heads of said departments, respectively. The personal effects, including horses, cattle, farm implements, and household goods, of those electing to remove to said Mescalero Apache Reservation shall also be removed and delivered to the respective owners on that reservation. The proportionate share of those removed in the common property

of the tribes or band shall be segregated and administered for their common benefit. The Secretary of War may, in his discretion, if he deems it advisable, sell the live stock, either individual or common property, and pay over the proceeds of such sale to the Secretary of the Interior, to be by him invested in property suitable in character for the use and benefit of those whose property is sold.

The amendment was agreed to.

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

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

PUBLIC PARK, WASHINGTON HEIGHTS, D. C.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park, to be known as McClellan Park, was announced as next in order.

Mr. GALLINGER. Mr. President, before asking that this bill go over I want to make a brief statement, directing my remarks particularly to the Senator who reported the bill.

This bill is for a park that is to cost \$180,000, immediately north of the Highlands Apartment House. It is a beautiful lawn owned by somebody who can afford to keep up a large establishment. I do not object to it on that ground, however; but in the District of Columbia appropriation bill we have established two parks in the southeast section of the city, where many poor people live, and we have levied benefits upon the adjoining lands. There are no benefits levied in this bill.

Again, in the appropriation bill which passed the Senate this morning, and which doubtless will pass the House in a day or two, we have inserted a provision as to how the expense of purchasing parks shall be divided. As I recall, the Government is to pay one-third, the District of Columbia one-third, and the abutting landowners one-third. That will become a law in two or three days, but the provisions of that law will not apply to this bill as it now reads.

Again, Mr. President, I do not find that anybody has recommended the establishment of this park. There is nothing in the report to show that either the Commissioners of the District of Columbia or the official having in charge the reservations in the District of Columbia have been consulted. Possibly they have been, but the report does not so show.

Mr. MARTINE of New Jersey. Mr. President, I will say, with the Senator's permission, that the bill may not conform to any order or suggestion of the District Commissioners, but the matter was presented to the Committee on Public Buildings and Grounds, and it was referred to a subcommittee of which I was a member. We visited the plot, and were much impressed with the wisdom and desirability of its being made a park. It is a triangular plot, situated in the midst of a very thickly settled portion of the city.

In answer to the Senator's suggestion that it is now a beautifully kept lawn and will likely be kept so, I have to say that the probability is that if it is not purchased by the Government it will be cut into small plots. It would be a great advantage, I believe, and the committee so believed, to that section of the city.

Mr. GALLINGER. I was going to ask that the matter go over.

Mr. SUTHERLAND. I hope the Senator will not ask that the bill go over.

Mr. GALLINGER. He certainly will, because there will be a law on the statute books within the next two or three days providing how parks shall be acquired and how the payment shall be made. This levies the payment upon the District of Columbia and the General Government—\$90,000 each.

Mr. SUTHERLAND. Let me ask the Senator a question. Did I understand him to say that provision is made by law as to abutting owners?

Mr. GALLINGER. That they shall pay one-third.

Mr. SUTHERLAND. What does the Senator mean by "abutting owners"?

Mr. GALLINGER. I mean that the benefits shall be assessed in the judgment of the jury.

Mr. SUTHERLAND. Is it simply that one-third of the cost of the park shall be assessed against the owners of property immediately adjacent to the park?

Mr. GALLINGER. Not necessarily. It is in the province of the jury to determine how far the benefits extend.

Then, again, I do not agree as to the great necessity for this park. However, I will look into that. This park is to be established about a half mile from the Zoological Park, on the south, and on the north about a half mile from Dupont Circle. It may be that there is a great necessity for it, but I think it ought to be further inquired into, and for that reason I ask that the bill go over.

The PRESIDING OFFICER. It will go over.

THE COMMERCE COURT.

The motion entered by Mr. POINDEXTER on the 7th instant, that the Senate Committee on Interstate Commerce be discharged from the further consideration of S. 3297, to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate, was announced as the next business in order on the calendar.

Mr. SMOOT. I ask that it go over.

The PRESIDING OFFICER. It will go over.

MAJ. BUTT AND F. D. MILLET.

The joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet was announced as next in order.

Mr. BRISTOW. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will go over.

INTERSTATE TRANSPORTATION OF PRIZE-FIGHT PICTURES.

The bill (S. 7027) to prohibit the interstate transportation of pictures of prize fights, and for other purposes, was considered as in Committee of the Whole.

Mr. SIMMONS. Mr. President, when this bill was called up several days ago there was some objection to its phraseology, and it went over for the purpose of correction, to supply certain omissions which were deemed necessary. The same identical bill was introduced in the House, and a substitute was prepared for it which covers the objections made the other day, and it was reported by the committee to which it was referred in the House. I move to strike out all after the enacting clause and to substitute what I send to the desk.

After the objections were made to which I have referred the Committee on the Judiciary informally considered the substitute which I now offer.

The PRESIDING OFFICER. The substitute will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That it shall be unlawful for any person to deposit or cause to be deposited in the United States mails for mailing or delivery, or to deposit or cause to be deposited with any express company or other common carrier for carriage, from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or to bring or to cause to be brought into the United States from abroad, any film or other pictorial representation of any prize fight or encounter of pugilists, under whatever name, which is designed to be used or may be used for purposes of public exhibition, or any record or account of betting on the same.

Sec. 2. That it shall be unlawful for any person to take or receive from the mails, or any express company or other common carrier, with intent to sell, distribute, circulate, or exhibit any matter or thing herein forbidden to be deposited for mailing, delivery, or carriage in interstate commerce.

Sec. 3. That any person violating any of the provisions of this act may be proceeded against by indictment and tried and punished either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried, or in which it is delivered; and any person violating any of the provisions of this act shall for each and every offense, upon conviction thereof, be fined not more than \$1,000 or sentenced to imprisonment at hard labor for not more than one year, or both, at the discretion of the court.

Mr. HEYBURN and Mr. SUTHERLAND addressed the Chair.

Mr. HEYBURN. I was merely going to suggest an amendment—to insert the word "knowingly" before the word "received."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment of the Senator from North Carolina.

Mr. SUTHERLAND. I have no objection to that amendment.

Mr. HEYBURN. I move that the word "knowingly" be inserted.

The SECRETARY. In section 2, line 16, before the word "receive," insert the word "knowingly."

Mr. SUTHERLAND. I suggest, however, to the Senator from Idaho that in view of the fact that this section provides that it shall be done with a specific intent—

Mr. HEYBURN. I intend to make it go further, so that they can not receive it knowingly for their own amusement—to prevent getting a mailing list. Of course the word "knowingly" is necessary, because we do not know what we are receiving in the mail until it is opened.

Mr. SUTHERLAND. The point I make is that the provision "that it shall be unlawful for any person to take or receive from the mails" any of these articles is qualified by the further provision that it shall be "with the intent to sell, distribute, circulate, or exhibit any matter herein forbidden to be deposited," and so forth. Of course, if the article was taken

from the mails innocently, it could not be taken with that intent.

Mr. HEYBURN. I want to include those who take it from the mail for their own amusement, in addition to the provision that it shall be for the purpose of sale. Not having the amendment before me, I am not able to suggest the proper point at which it should be inserted.

Mr. SUTHERLAND. I do not think the Senator would accomplish that. That is the very point of the suggestion I am making—that notwithstanding his amendment the provision is that this shall be with the specific intent.

Mr. HEYBURN. I want that to remain in.

Mr. SUTHERLAND. I think it ought to remain in.

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. Therefore he is by that amendment making the law more drastic than it ought to be and making it more difficult to prove the offense.

Mr. HEYBURN. It may so appear, but we will see how it fits into the text. I merely want to add an additional class. If I may have the amendment, I will determine where it should go in.

Mr. SUTHERLAND. While the Senator is looking into that, I call attention to another matter.

Section 3 of the proposed substitute provides:

That any person violating any of the provisions of this act may be proceeded against by indictment and tried and punished either in the district—

This is the part I call attention to—

either in the district in which the unlawful matter was deposited for mailing or carriage, or to which it is carried or in which it is delivered.

Now, the offense consists in depositing or causing to be deposited in the United States mails or with any express company or other common carrier, or in taking the prohibited matter from the mail or from these carriers, with the specific intent provided. Those are two separate and distinct offenses. It is a complete offense under this proposed law when the forbidden matter is deposited for carriage. Now, under the terms of section 3, that offense which may be committed and be a complete offense in the State of New York may be prosecuted in the State of California; and it seems to me it would be in direct violation of the provision of the Constitution which declares that all persons accused of crime shall be prosecuted in the district and State where the offense was committed. So it seems to me the Senator had better take that out of the section.

Mr. HEYBURN. I withdraw the amendment, in response to the suggestion of the Senator from Utah, and as soon as I can find the place where it should be inserted, I will reoffer it.

Mr. SUTHERLAND. I suggest that, beginning in line 21, page 2, after the word "act," we strike out down to and including the word "act," in line 25, and after the word "each," in line 25, strike out "and every." Then it will read:

That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined—

And so forth.

Mr. SIMMONS. I think that would accomplish the purpose.

Mr. SUTHERLAND. There is no need of providing where the offense shall be prosecuted, because that is a matter of general law.

Mr. HEYBURN. This could all have been accomplished by amending section 211 of the Criminal Code, because it does cover everything except the enumeration here, and I am not sure that it would not be included within the language of that section. I do not know the history of this bill. Let us see. It was introduced by request by the Senator from North Carolina [Mr. SIMMONS]. We already have very complete laws in regard to this matter, and I presume the only question was whether or not they were broad enough to cover the films. But the words "paper," "writing," "advertisement," "device," or "substance," I think, would be held to be broad enough to cover these films. It says, in the beginning, that the transportation of "every * * * filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character" is prohibited.

I think the word "picture" is comprehensive enough to cover it. They are pictures; they are photographs.

I ask the Senator from North Carolina whether or not, in his judgment, the existing law is not broad enough to cover that which is sought to be accomplished? The provisions there against mailing and against receiving through the mails were given very thorough consideration both in the preparation and in the enactment of the code—of course, this is a recent enactment—and the scope of the language was intended to be wide enough to cover it.

Mr. SIMMONS. I fear the general law does not cover this specific case. The substitute was drawn not by me, but by some one in one of the departments, I have been advised, with a view to making the present law fit this particular case.

Mr. HEYBURN. Mr. President, I can readily understand how, a person's attention being directed to an existing evil ever before him, he might overlook the fact whether or not we had a law already on the statute books sufficient to cover it. I doubt if anyone would have drawn this bill had he read section 211 of the Criminal Code, because that section is very comprehensive. Every possible device of the kind was intended to be covered and, I think, is covered; and I think there is an adequate foundation upon which to prosecute these people.

The act specifically uses the word "picture"; and then the matter would be covered by the words "other publication," and by several other phrases. It provides that they shall not be sent through the mail, that they shall not be received in the mail, that they shall not be distributed if they are received, and it provides a penalty both for the party depositing and the party who knowingly receives them.

Whoever * * * shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than \$5,000, etc.

The penalty is heavy. The law would cover the operators of the stand or whatever it may be termed.

Mr. SIMMONS. Is the Senator reading from the present law?

Mr. HEYBURN. I am reading from the law.

Mr. SIMMONS. Does the Senator mean that the present law would cover the case of transmitting these films through the mails?

Mr. HEYBURN. Yes; it is most specific. It would cover the making of them, the sending of them, the receiving of them, or the use of them. I think now any person can be prosecuted in this city under that statute for operating these establishments, whatever they are called, on the Avenue or elsewhere, where films of this class are used, because the law specifically uses the word "picture."

Mr. SIMMONS. Mr. President, I think the general language used in the existing act could not possibly cover this specific case. The language is:

Every obscene, lewd, or lascivious, and every filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use.

I do not think that would cover the specific case to which this bill addresses itself—that of preventing the use of the mails, or of the express companies, for the purpose of transmitting pictures of prize fights.

Mr. HEYBURN. The latter part of the section covers the transmission of immoral matter.

Mr. SIMMONS. Yes; but there is nothing here that would cover a picture of a prize fight. I do not think it would come under any of the general designations used in the law.

Mr. HEYBURN. It says "any picture."

Mr. SIMMONS. Yes; but it says "any picture" of a certain character. I do not think these pictures would come under the general designation used in the act.

Mr. BACON. Mr. President, if the Senator will pardon me, this is a matter of very considerable importance. It is one in which a great many of the very best people in the land are deeply interested. They regard prize fights as brutalizing to the last degree, and they think the transmission of these films or pictures and their use in moving-picture shows is second only in degree to the actual witnessing of two human beings standing in a ring and beating each other into bloody insensibility.

It is in response to this laudable desire on the part of the best people in the land that these things shall not be encouraged, and that our young women and our young men, to say nothing of older and more mature people, shall not be brutalized and demoralized by the exhibition of such pictures as these that the bill has been introduced.

Of course, the suggestions of Senators as to whatever is objectionable in the bill will be respected and acquiesced in. But the contention of the Senator from Idaho that possibly the existing law might be used to cover the case does not seem to me sufficiently well founded to justify a refusal at this time to pass the bill.

I do hope that no slight consideration will induce the Senator to object, because the matter is really most deeply at heart with a very large part of the religious and moral and respectable element of the whole country, and they desire the passage of the bill.

Mr. HEYBURN. The Senator can not be more zealous than I am in regard to this matter. We had it under consideration in the Joint Committee on the Revision of the Laws for perhaps as great a length of time as any other provision of the laws. Through every available agency we gathered the information that might be had touching upon the matter, and we certainly intended to cover every phase of it.

I will call attention to part of the section. It is not that I desire to prevent legislation, if it is desirable, but that we should not duplicate it.

I call the Senator's attention to this phrase:

Whoever shall knowingly deposit or cause to be deposited for mailing or delivery anything declared by this section to be nonmailable—

These pictures are declared to be nonmailable; so that covers it—

or shall knowingly take or cause the same to be taken from the mails.

Of course that is comprehensive enough to cover everything that is referred to here, and the only question, then, is whether the language in the early part of the section covers it.

Mr. SIMMONS. If the Senator will pardon me, any pictures covered by the general terms of the act would be forbidden admission to the mails by the law he has just read. But what term, what word, what language there is broad enough to include these pictures?

Mr. HEYBURN. The word "picture." It says the picture shall not be mailable.

Mr. SIMMONS. But the word "picture" there has qualifying words. They are described as pictures of certain characters, of certain kinds—lewd pictures, obscene pictures. I think none of those words would cover a picture of a prize fight.

Mr. HEYBURN. That would depend upon the estimate placed upon it, of course.

Mr. SIMMONS. In itself a picture of a prize fight would not be obscene, nor would it be vulgar.

Mr. HEYBURN. It is immoral; and pictures of an immoral nature are nonmailable.

Mr. SIMMONS. Nor would it be embraced, in my judgment, in any of the words that are used there to qualify the word "picture."

Mr. HEYBURN. Then, on that suggestion, not having the slightest desire to defeat the purpose sought to be accomplished, which I would much prefer to have in the nature of an amendment to this section of the code by adding a word or two, I will raise no objection to the bill as it is presented, except that the word "knowingly" should be inserted at the proper place.

Mr. SIMMONS. I have no objection to the insertion of the word "knowingly."

Mr. HEYBURN. That is to say, a person does not always know what he is receiving through the mail, so "knowingly" or "with intent" should be inserted at the proper place.

Mr. SIMMONS. I have no sort of objection to the insertion of that word.

Mr. SUTHERLAND. Mr. President, I call the attention of the Senator from Idaho to the fact that unless we put in the law a specific provision that these representations of prize fights and encounters of pugilists shall be denied the mails there will be no general word of description in the existing statutes which will cover them, because people differ as to the character of these exhibitions. A great many people defend them and say they are exhibitions of the manly art. It might depend upon the taste of the judge before whom the case came as to whether he would say the pictures came within the general description of being an indecent exhibition or an exhibition of any other offensive character under the general words used in the statute. So it seems to me it is absolutely necessary, in order to cover pictures and films of this class, that they should be described in precise terms.

Mr. HEYBURN. Mr. President, I would not want to have any misunderstanding as to my views in regard to the matter. I regard a prize fight as being as brutal and disgraceful a thing as can be engaged in by humankind.

Mr. SUTHERLAND. So do I.

Mr. HEYBURN. I despise a man who will not fight when he has a fight coming, and I despise just as much a man who will fight when he has no fight coming. The man who goes out and fights for the amusement of some one is a contemptible creature, I do not care what his name may be nor his assumed standing.

I have no desire at all to give such pictures or anything pertaining to them the right to go through the mail. I have stated on this floor that I would limit to three lines the reference to a prize fight in any newspaper going through the United States mails. I would not allow a paper that published more than

three lines describing or mentioning a prize fight to go through the mails at all.

Mr. SUTHERLAND. I entirely agree with the Senator's characterization of this sort of thing. But at least one State in the Union has passed a law legalizing encounters of this very character. In the face of laws of that kind certainly it is safer to particularize these objectionable things by name.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SUTHERLAND] to the amendment offered by the Senator from North Carolina [Mr. SIMMONS]. The Secretary will report the amendment to the amendment.

The SECRETARY. On page 2, line 21, after the word "act," it is proposed to strike out all down to and including the word "act," in line 25; and on page 2, line 25, it is proposed to strike out the words "and every," so that if amended it will read:

Sec. 3. That any person violating any of the provisions of this act shall for each offense, upon conviction thereof, be fined not more than \$1,000, etc.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs upon the amendment as amended. The Chair understands that the Senator from Idaho withdrew his amendment?

Mr. HEYBURN. I withdrew the amendment.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from North Carolina [Mr. SIMMONS] as amended by the amendment of the Senator from Utah.

The amendment as amended was agreed to.

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

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

MILITARY ACADEMY APPROPRIATION BILL.

The bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. WARREN. That goes over.

The PRESIDING OFFICER. The bill will be passed over.

SUITS BY ATTORNEY GENERAL.

The bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDING OFFICER. It will go over.

CHOCTAWHATCHEE RIVER DAM, ALA.

The bill (H. R. 22006) authorizing the Choctawhatchee River Light & Power Co. to erect a dam across the Choctawhatchee River in Dale County, Ala., was considered as in Committee of the Whole.

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

THE PANAMA CANAL.

The bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

JOHN J. FLYNN.

The bill (S. 2697) for the relief of John J. Flynn was announced as next in order.

Mr. CULBERSON. Does that tend to establish a pensionable status for a man who was a deserter from the Army?

The PRESIDENT pro tempore. The Secretary will read the bill, which will show the character of the measure.

The Secretary read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, John J. Flynn, late a sergeant in Company E, Twenty-fourth Regiment Pennsylvania Volunteer Infantry, and subsequently a sergeant in Company A, One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry, and whose name is borne on the records of both organizations as John Flynn, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the One hundred and eighteenth Regiment Pennsylvania Volunteer Infantry on the 18th day of February, 1863: *Provided*, That no pay, bounty, back pension, future pension, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. CULBERSON. I have no objection to the consideration of the bill.

The bill was considered as in Committee of the Whole.

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

CAVE HILL CEMETERY, LOUISVILLE, KY.

The bill (S. 2928) appropriating money for and directing the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., was announced as next in order.

Mr. WARREN. I do not understand that number. On my copy of the calendar order of business 774 is a pension bill.

The PRESIDENT pro tempore. This is a bill reported by the Senator from Nebraska [Mr. BROWN] from the Committee on Military Affairs June 13.

Mr. HEYBURN. You have two bills in the same condition. Evidently there has been a confusion in printing. The same number, 774, on the calendar is a bill granting an increase of pension to Marion Cunningham.

The PRESIDENT pro tempore. Evidently there is mistake in the calendar.

Mr. HEYBURN. It is a mistake.

Mr. SMOOT. The bill was reported from the Committee on Military Affairs and the calendar states that the bill was reported by the Senator from Nebraska [Mr. BROWN] from the Committee on Pensions. It is a mistake in the calendar.

Mr. WARREN. But the title of the bill on the calendar is wrong.

Mr. HEYBURN. The title of the bill is a mistake.

The PRESIDENT pro tempore. The calendar number indicated on the bill, the number of the Senate bill, and the name of the Senator reporting it all indicate that Senate bill 2928 is the proper bill.

Mr. HEYBURN. So the record does not get awry.

The Senate, as in Committee of the Whole, considered the bill, which had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, to strike out "\$12,828.40" and insert "\$25,656.80," and, in line 11, page 1, before the word "feet," to insert the word "square," so as to make the bill read:

Be it enacted, etc., That the sum of \$25,656.80 is hereby appropriated, and the Secretary of the Treasury is hereby directed, out of any money in the Treasury not otherwise appropriated, to pay the same to the Secretary of War (which sum is to be paid by the Secretary of War to the Cave Hill Cemetery Co., of Louisville, Ky.) for the purchasing of 32,071 square feet of land adjoining the national cemetery grounds in said Cave Hill Cemetery, for the interment of soldiers of that vicinity who served in the Union Army in the late Civil War and the War between Spain and the United States.

Sec. 2. That the Secretary of War is authorized to make the purchase aforesaid: *Provided,* That on examination the title to the land is in all respects good and a proper deed can be and is made for same.

The amendments were agreed to.

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

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

Mr. HEYBURN. I think probably, to save confusion, the calendar should be corrected now, because the title of the bill is reversed. The bill that we have just passed should have been on the calendar as Order of Business 774, and it should be ascertained whether or not we have dealt with the bill given that number on that calendar.

The PRESIDENT pro tempore. The calendar is re-formed each day, and doubtless the correction will be made in the next calendar.

Mr. HEYBURN. The Record will show that attention was called to it.

Mr. WARREN. Has the Secretary this pension bill on his list? Is it included in the file? It appears on the calendar as having been reported from the Committee on Pensions by the Senator from Nebraska [Mr. BROWN].

The PRESIDENT pro tempore. There is no question but that the bill just read and passed is the bill which should be on the calendar of that number.

Mr. WARREN. That is true, but we would like to locate the bill described on the calendar.

The PRESIDENT pro tempore. The Chair is informed that there is no bill on the calendar of that title and number.

Mr. HEYBURN. Has no such bill been passed?

The PRESIDENT pro tempore. Senate bill 2928 was passed.

Mr. HEYBURN. I know; but I refer to the bill granting an increase of pension to Marion Cunningham. Has that bill been passed?

The PRESIDENT pro tempore. No such bill, so far as the Chair is informed, is on the calendar.

Mr. HEYBURN. I should like to look at the Record of June 13, where it is stated the Senator from Nebraska reported the bill, and it is Report No. 876.

The PRESIDENT pro tempore. The Chair holds in his hand Report No. 876, June 13, 1912, "Mr. BROWN, from the Committee on Military Affairs, submitted the following report." It is a report on Senate bill 2928.

Mr. HEYBURN. All right.

MINING EXPERIMENT STATION IN WYOMING.

The bill (S. 7050) to establish a mining experiment station in the State of Wyoming, to aid in the development of the mineral resources of the United States, and for other purposes, was announced as next in order.

Mr. HEYBURN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. WARREN. Will the Senator allow the bill to be read?

Mr. HEYBURN. I have no option about allowing it to be read.

HAROLD HANCOCK TAINTOR.

The bill (S. 7018) to authorize the appointment of Harold Hancock Taintor to the grade of second lieutenant in the Army was announced as next in order.

Mr. GALLINGER. As the Senator who reported the bill is not in the Chamber—

Mr. WARREN. Will the gentleman withhold for a moment? I understand the bill is merely to provide for a little matter of age. A man was traveling and on his way when the age limit was reached.

Mr. BRISTOW. I will state that he took an examination in the Philippines, and there was a delay in the transmission of the papers.

Mr. GALLINGER. I do not object to the bill under that statement of fact.

The bill was considered as in Committee of the Whole. It authorizes the President, by and with the advice and consent of the Senate, to appoint Harold Hancock Taintor to the grade of second lieutenant in the United States Army, with lineal rank in accordance with his rating at the competitive examination held under the law by the War Department in January, 1912.

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

PUBLIC BUILDING AT ALTUS, OKLA.

The bill (S. 4900) to provide for the erection of a public building at Altus, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, in line 1, page 2, before the word "thousand," to strike out "one hundred and twenty-five" and insert "sixty"; and in line 1, page 2, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other offices of the Government at Altus, Okla.; the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$60,000.

The amendments were agreed to.

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

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

PUBLIC BUILDING AT SHAWNEE, OKLA.

The bill (S. 4883) to provide for the erection of a public building at Shawnee, Okla., was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Buildings and Grounds with amendments, on page 2, line 1, before the word "thousand," to strike out "seventy-five" and insert "forty-five," and in line 1, page 2, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post office and other offices of the Government at Shawnee, Okla., the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed \$145,000.

The amendments were agreed to.

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

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

ARMORY IN THE DISTRICT OF COLUMBIA.

The bill (S. 6734) to provide for the erection of an armory in the District of Columbia was considered as in Committee of the Whole. It directs the Secretary of War to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission, to bring it within a cost not to exceed \$1,750,000, of which sum \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications and the starting of work upon the foundations of said building.

Mr. CULBERSON. I will ask the Senator from Utah in charge of the bill how much money under the latter part of section 1 can be used by the Secretary of War in obtaining plans and specifications for the building? There is an appropriation of \$50,000. I have not read the bill, but from the reading at the desk I gather that the amount which may be used for that purpose is very indefinite.

Mr. SUTHERLAND. As much of \$50,000 as may be necessary.

Mr. CULBERSON. Does not the Senator think that is very indefinite?

Mr. OVERMAN. If I heard the reading correctly I think the plans and specifications have been already prepared.

Mr. SUTHERLAND. That amount is simply made available for the purpose.

Mr. CULBERSON. Will the Senator allow the Secretary to read that part of the section?

Mr. SUTHERLAND. I have no objection to inserting words so as to read "a sum not exceeding \$50,000" or "\$50,000, or so much thereof as may be necessary."

Mr. CULBERSON. That is the way it reads now.

Mr. OVERMAN. The plans have already been specified.

Mr. WARREN. The amount would be governed by the regular architects' percentage.

Mr. CULBERSON. May I ask that that portion of the bill be read again?

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To bring it within a cost not to exceed \$1,750,000, of which sum \$50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications and the starting of work upon the foundations of said building.

Mr. CULBERSON. The Senator will observe that the sum of \$50,000 is appropriated to be immediately available and there is no limit placed upon what the Secretary of War may use for plans and specifications.

Mr. SUTHERLAND. As I understand it, it covers not only the plans, but the work on the foundations of the building as well. I am willing that it shall be limited in any way the Senator suggests.

Mr. CULBERSON. How much does the Senator from Utah think the Secretary ought to pay for the plans and specifications of this building?

Mr. SUTHERLAND. I have no information upon that subject.

Mr. CULBERSON. It is suggested by the Senator from Wyoming [Mr. WARREN] and the Senator from North Carolina [Mr. OVERMAN] that these plans have already been prepared.

Mr. OVERMAN. It says "in accordance with the plans."

Mr. SUTHERLAND. The general plans have been prepared.

Mr. SMOOT. But not detailed plans.

Mr. SUTHERLAND. Not the details and specifications.

Mr. GALLINGER. If the Senator will permit me, the appropriation is \$1,750,000, and \$50,000 would be a little less than 3 per cent. I think the usual fee is at least that much, and sometimes 5 per cent.

Mr. SMOOT. However, that can cover superintendence.

Mr. CULBERSON. It seems to me, with all the architects employed generally by the Government of the United States, \$50,000 is an extraordinary sum to pay for the plans and specifications of this building.

Mr. OVERMAN. The bill says—

That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908.

So they have submitted plans.

Mr. SUTHERLAND. Those are only general plans. The specifications have not yet been prepared. I understand the

appropriation of \$50,000 is to be used not only for the purpose of preparing detailed plans and specifications, but also for the purpose of starting the work upon the foundations of the building.

Mr. SMOOT. That is what it says.

Mr. SUTHERLAND. The matter is left in the hands of the Secretary of War. He must approve whatever contract is made.

Mr. SMOOT. The bill does not state that the appropriation of \$50,000 is to be for payment of plans only.

Mr. SUTHERLAND. Not at all. If the Senator from New Hampshire, who is the author of the bill, sees no objection to it I have no objection to inserting a provision that not to exceed \$10,000 shall be used for the preparation of plans and specifications.

Mr. GALLINGER. I think that would be a very small amount for a building of this magnitude.

Mr. CULBERSON. Mr. President, as a matter of inquiry, we have a Supervising Architect of the Treasury, who has in charge the construction of all the public buildings of the United States, and why can not these plans be drawn by him and his assistants in the office? Why do we want to pay out extra money every time we construct a public building when we have a corps of architects employed there to do such work?

Mr. GALLINGER. If the Senator from Utah will permit me to answer, I will say to the Senator from Texas that we have a corps under the Supervising Architect of the Treasury Department, and the fact is that a very large part of the work that is done under the Supervising Architect is done by outside architects in the construction of public buildings; that the office is overworked; that they are about three years behind time now; and I think it is utterly impossible to load that office down with work of this kind. I think it ought to be done by outside architects.

But as to the matter of compensation for the preparation of plans, it is an important question. I do not know how much work is involved in the term "the starting of work upon the foundations of said building." I do not know exactly what that means. While I introduced the bill, I will say that I did not write the bill.

Mr. SUTHERLAND. Let me suggest to the Senator that the matter might be taken care of if we would provide that the amount to be paid for the preparation of detailed plans and specifications shall be fixed by the Secretary of War.

Mr. GALLINGER. I think that would probably do.

Mr. OVERMAN. I would not fix it that way. I would rather limit the amount. I understand that in the construction of some of the great buildings, for example, at West Point and Annapolis, the architects have been paid \$250,000 or \$300,000.

Mr. SUTHERLAND. We fix the limit at \$50,000.

Mr. OVERMAN. That is for the foundation and plans also. It looks to me like we could get a good architect to do this work for \$25,000, anyway.

Mr. GALLINGER. The Architectural Association, if that is the proper term, have an agreement whereby they have a certain percentage. I do not know how much that involves, whether it is simply the preparation of the plans and specifications or the supervision of the construction of the building, but I know that from 3 to 5 per cent is about what is paid the architects.

Mr. CULBERSON. Is not that charge made when they also supervise the construction?

Mr. GALLINGER. I just remarked that probably it involves the construction.

Mr. SUTHERLAND. The superintendence.

Mr. GALLINGER. The superintendence. I think instead of saying "starting of work upon the foundations of said building" we should make it read "the preparation of detailed plans and specifications and the superintendence of the construction of the building," and then fix a sum, whatever is thought proper. I will ask the Senator from Utah how that strikes him?

Mr. SUTHERLAND. I did not catch the Senator's remark.

Mr. GALLINGER. Instead of saying "starting of work upon the foundations," say "the superintendence of the construction of said building," and then fix the amount, whatever we think is proper, whether \$50,000 or less.

Mr. SUTHERLAND. I have no objection to that if it is agreeable to the Senator from New Hampshire.

Mr. GALLINGER. I will move to strike out the words "starting of work upon the foundations of said building" and insert "superintendence of the construction of said building."

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. In section 1, page 2, line 5, strike out the words "starting of work upon the foundations" and in lieu insert "superintendence of the construction," so as to read:

Preparation of detail plans and specifications and the superintendence of the construction of said building.

Mr. OVERMAN. That would allow them \$50,000.

Mr. GALLINGER. Yes; and that is less than 3 per cent on the cost of the building, which I think is less than is ordinarily paid in any case. That is my judgment.

Mr. CULBERSON. I move to amend by striking out "\$50,000" and inserting "\$25,000."

The PRESIDENT pro tempore. That is not an amendment to the amendment. The Senator from Texas will withhold it until the amendment of the Senator from New Hampshire has been acted on.

Mr. CULBERSON. Yes.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from New Hampshire, which has been read by the Secretary.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Texas moves to further amend the bill. The amendment will be stated.

The SECRETARY. On page 2, line 1, before the word "thousand," strike out "fifty" and in lieu insert "twenty-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Texas.

The amendment was agreed to.

Mr. GALLINGER. The amount having been reduced so violently, I now move to reconsider the vote whereby the amendment I submitted was agreed to, and I will let the text stand as it is in the bill.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to reconsider the vote by which the amendment previously offered by him was adopted.

The motion to reconsider was agreed to.

Mr. CULBERSON. My amendment was only intended to limit the amount we should pay an architect to \$25,000. The amount appropriated also covers the beginning of the work of construction. I do not care to limit the appropriation to \$25,000 when it has these two purposes in view. So I move to reconsider the action of the Senate in reducing the amount from \$50,000 to \$25,000.

Mr. GALLINGER. If the Senator wishes that simply to be paid as a fee to the architect, he would reach the same purpose by striking out the words "and the starting of work upon the foundations of said building." Then that would leave it as an architectural fee.

Mr. CULBERSON. The Senator can make that motion.

Mr. GALLINGER. Then I do make that motion. I move to strike out, in lines 5 and 6, the words "and the starting of work upon the foundations of said building."

The PRESIDENT pro tempore. The Senator from New Hampshire moves to strike out, in lines 5 and 6, the words "and the starting of work upon the foundations of said building."

The amendment was agreed to.

Mr. CULBERSON. Now, may we have the section as amended read?

The PRESIDENT pro tempore. The Secretary will read it as amended. The Chair understands the Senator from Texas to withdraw his motion to reconsider.

Mr. CULBERSON. Yes.

Mr. GALLINGER. Let the section be read as amended.

The SECRETARY. Section 1 as amended reads:

That the Secretary of War be, and he is hereby, authorized and directed to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia, in accordance with the plans for such armory submitted by the commission appointed by the act of Congress approved May 30, 1908, or such modified plans as may be approved by the Secretary of War and the said commission, to bring it within a cost not to exceed \$1,750,000, of which sum \$25,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for the purpose of the preparation of detailed plans and specifications.

Mr. SMITH of Georgia. I should like to ask the Senator whether this entire sum is to be paid out of the National Treasury?

Mr. SUTHERLAND. The entire sum is to be paid out of the National Treasury. It is essentially a piece of Federal work for the benefit of the Federal Government.

Mr. SMITH of Georgia. It is the National Guard, is it not?

Mr. SUTHERLAND. It is the National Guard.

Mr. SMITH of Georgia. Is it merely for the National Guard of the District of Columbia?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. We have our National Guard everywhere else, but the Government does not pay for the armories.

Mr. SUTHERLAND. The Government, as I understood the Senator from Wyoming [Mr. WARREN]—if he were here he could explain it better than I can—but, as I understand, the whole cost of maintaining the National Guard here has been borne by the General Government. I know I have had occasion to go about the city to look at these various so-called armories

with a view to determining the necessity for the erection of this building, and I find they are scattered in some 10 or 15 different places in all sorts of poor quarters. The Government property is in fire traps; in one building there is over a hundred thousand dollars' worth of Government property that is at the mercy of any fire that might come along. To my mind, to provide for this armory is one of the most necessary things to be done.

Here is the National Government, which is responsible for the national defense, which is cooperating with the various States of the Union in the building up of the National Guard, and yet this is the one place in the United States where no adequate quarters are provided. In the neighboring city of Baltimore there is a great armory erected at great expense by the State of Maryland, which is so fine, so large, and so commodious that the Democratic national convention is to be held in it.

Mr. SMITH of Georgia. If the Senator will allow me, the State of Maryland and the city of Baltimore alone paid for that—

Mr. SUTHERLAND. Yes; that is quite true.

Mr. SMITH of Georgia. And none of the money came from the National Treasury. It was local taxation and local subscriptions that paid for it. Take any of the cities and you will find that the armories are in no way built for them by the National Government. We raise our money locally; we obtain appropriations from the State legislatures and we subscribe locally for them. The officers of the National Guard in part raise the money, and the cities in part contribute to the fund. Why should the District of Columbia put the entire tax on the National Government—which is the people of the entire country outside of the District—when in all other parts of the country they locally bear the expense themselves? Why is it not properly an expense of the District of Columbia rather than an expense of the whole country?

Mr. SUTHERLAND. I think the National Guard in the District of Columbia is essentially a national organization, intended for the national defense.

Mr. SMITH of Georgia. They all are.

Mr. SUTHERLAND. They are militia in the States, intended as well for the State defense as for national defense. These buildings referred to are used by the State militia.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me, the Senator from Utah fell into a little error in saying that the General Government pays the whole expense of the militia in the District of Columbia. That is not correct. The appropriation is made in the District of Columbia appropriation bill; and while it is not very large, it is paid in equal parts out of the Treasury of the United States and the revenues of the District of Columbia.

While I introduced this bill, I confess I did not examine it very carefully, and I think there is a great deal of force in the suggestion that the District of Columbia ought to make a contribution toward this armory. In my own little State we have six armories that I can recall, and the State made the appropriations for them. They were built by taxation of the people.

Mr. SMITH of Georgia. If the Senator will allow me, we have just finished a large armory in the city of Atlanta, and even the State did not contribute to that. The city contributed about \$150,000, and we raised about that much more through the efforts of the National Guard by local subscription. Not a dollar was contributed by the National Government.

Mr. GALLINGER. In this case I assume that the Government will give the land on which the armory is to be erected. It is to be located on public property. The Government makes that contribution, to begin with; but I really think it would be only a matter of equity to amend the bill so as to require this money to be paid in equal parts out of the public Treasury and out of the revenues of the District of Columbia. I will ask the Senator from Utah if he does not feel that that would be right?

Mr. SUTHERLAND. The Senator from New Hampshire is chairman of the Committee on the District of Columbia and is much better informed about District matters than am I. I defer to his judgment. I have no objection to such an amendment as he suggests, if he wishes it.

Mr. SMITH of Georgia. Mr. President, this seems to me a very important question as to whether the Government should be involved in this expense, and while I do not like to object, I should be glad for the matter to go over, so that I may look into it a little further. If it is pressed now, I should feel constrained to vote against the bill, and even to ask for the yeas and nays upon it.

Mr. SUTHERLAND. Would the Senator object if we provide that one-half of the expenditure shall be borne by the Dis-

trict of Columbia, the same as is the case in all other expenditures for the District?

Mr. SMITH of Georgia. I think that would undoubtedly be much more equitable.

Mr. SUTHERLAND. I have no objection to that amendment.

Mr. NELSON. Mr. President, I entirely agree with the Senator from Georgia [Mr. SMITH]. I trust this bill will be amended so that the District of Columbia will at least be compelled to pay one-half. I should not feel like supporting the bill otherwise. I trust the friends of the bill will agree to such an amendment.

Mr. SUTHERLAND. That is agreed to.

Mr. GALLINGER. I will, then, offer an amendment, on page 2, line 2, after the word "appropriated," to insert the words "in equal parts," and then I will follow that with another amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In section 1, on page 2, line 2, after the word "appropriated," it is proposed to insert the words "in equal parts."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. NELSON. How will it then read?

Mr. GALLINGER. I have another amendment to offer. After the word "appropriated," in line 3, I move to insert, "and the revenues of the District of Columbia," so that it will read:

Appropriated in equal parts out of any money in the Treasury not otherwise appropriated and the revenues of the District of Columbia.

Mr. NELSON. I should like to hear the whole provision as amended read.

The PRESIDENT pro tempore. The Secretary will read the amendment as proposed to be amended.

The SECRETARY. In section 1, page 2, line 3, after the word "appropriated," it is proposed to insert "and the revenues of the District of Columbia," so that if amended it will read:

To bring it within a cost not to exceed \$1,750,000, of which sum \$25,000 is hereby appropriated in equal parts out of any money in the Treasury—

Mr. GALLINGER. No; that is a mistake. The words inserted should come after the full amount, so as to read:

Not to exceed \$1,750,000, in equal parts, is hereby appropriated.

The SECRETARY. After the word "dollars," in line 1, on page 2, it is proposed to insert "is hereby appropriated in equal parts."

Mr. GALLINGER. "In equal parts"—exactly the words that were there before:

In equal parts out of any money in the Treasury not otherwise appropriated from the revenues of the District of Columbia, of which sum \$25,000—

We have got it right now. Now, let it be reported as amended.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

To bring it within a cost not to exceed \$1,750,000 is hereby appropriated in equal parts out of any money in the Treasury not otherwise appropriated and the revenues of the District of Columbia, of which sum \$25,000 is hereby appropriated, to be immediately available, for the purpose of the preparation of detailed plans and specifications.

Mr. CULBERSON. Mr. President, I am a member of the Committee on Public Buildings and Grounds; but in consequence of another official engagement I did not attend the meeting of that committee yesterday when this bill was considered. I ask the Senator from Utah [Mr. SUTHERLAND], who has charge of the bill, whether \$1,750,000, in his judgment, is not a rather large sum for the construction of a mere armory?

Mr. SUTHERLAND. The evidence before the committee was to the effect that it was not. I know nothing personally about the cost of these buildings; but the general plans were submitted to the committee. Testimony was submitted to the committee bearing upon the subject. It is to be a very large building.

Mr. CULBERSON. The building will not be used except for an armory, will it?

Mr. SUTHERLAND. It may be used for other public purposes; it may be used as a building for inaugural balls, if we care to so use it.

Mr. CULBERSON. Is there an assembly hall in it for the public?

Mr. SUTHERLAND. Yes; there will be a very large hall, a drill hall. For example, I call the attention of the Senator from Texas to the fact that the drill hall of the armory at Baltimore is to be used for the Democratic national convention.

Mr. CULBERSON. This probably, then, is to be an armory and a public auditorium.

Mr. SUTHERLAND. It may be used for that purpose; yes. Mr. GALLINGER. Beyond question this building will provide the District of Columbia with what is so much needed, and which has been so greatly agitated from time to time; that is, a great assembly hall. We ought to have it; and beyond doubt, if this building is constructed, it will provide such a hall.

Mr. SUTHERLAND. It was so stated before our committee.

Mr. CULBERSON. I wanted to bring that out. That was my understanding in a general way in reading over the public prints. I think it puts a different face on the amount, when the building is to be constructed to be used for these two purposes.

Mr. GALLINGER. As an illustration, at each inauguration the Government loses \$30,000 by giving up the use of the Pension Office. It was with a great struggle that we secured it for the last inauguration. I do not know what we will do when we come to inaugurate the next President, whoever he may be.

Mr. CULBERSON. We want a great hall for that, Mr. President.

Mr. SMITH of Georgia. And we do not want to wait until this hall is finished to inaugurate him.

Mr. GALLINGER. We shall cross that bridge when we come to it. What I wanted to emphasize, however, was that this will solve a problem which has been agitated for a great many years; and that is one reason why I am so warmly in favor of this bill.

Mr. HEYBURN. The size proposed for the drill hall is 350 by 243 feet, as will be found on page 15 of the report.

Mr. GALLINGER. That is enormous.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER].

The amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I should like to put into the RECORD, in connection with the armory-building bill, this very brief statement:

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department.

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

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

Mr. SUTHERLAND subsequently said: At the suggestion of some Senators, I ask to have printed in the RECORD, in connection with the discussion on the armory-building bill, the report of the committee on that bill.

Mr. GALLINGER. Following the passage of the bill?

Mr. SUTHERLAND. Yes.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

The report referred to is as follows:

[Senate Report No. 886, Sixty-second Congress, second session.]

ARMORY IN DISTRICT OF COLUMBIA.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, submitted the following report, to accompany S. 6734:

The Committee on Public Buildings and Grounds, to which was referred the bill (S. 6734) to provide for the erection of an armory in the District of Columbia, having considered the same, report thereon with the recommendation that the bill pass without amendment.

The bill authorizes the Secretary of War to enter into contracts for the construction of an armory for the National Guard of the District of Columbia, at a cost of not to exceed \$1,750,000, upon the site bounded by B Street north, B Street south, Twelfth Street west, and Fourteenth Street west, in accordance with the plans of the commission appointed under the act of Congress approved May 30, 1908 (35 Stat., 540). This commission reported to Congress and submitted plans (H. Doc. 860, 61st Cong., 2d sess.), and the proposed legislation carries into effect the recommendations of this commission. The site recommended by that commission has since been set aside for other purposes and is no longer available, but the proposed site is near the armory site recommended in the report of the McMillan Park Commission, and is adjacent to the White House ellipse, so that that tract is available for drill purposes when large formations are desired. The building on the proposed site will not encroach upon the Mall, but will be upon a line with the south building line of the National Museum.

The building recommended by the commission provides accommodations for two full regiments of Infantry, a Cavalry troop, four companies of Coast Artillery, one battery, one company of engineers, one signal corps, hospital corps, brigade staff, etc., and will have a drill hall 243 by 350 feet in area, thus affording ample space for drills in extended order. The architecture of the armory is of classic type and will harmonize with the other Government buildings now built and already planned, and will at the same time be amply safeguarded against the attack of a mob in time of riot, and will afford other advantages, which are pointed out in the report of the Chief of the Militia Division of the War Department in his report for 1911.

The armory serves a twofold purpose: First, it provides storage facilities, protecting Government property from loss, damage, deteriora-

tion; and, second, it provides instruction facilities for the personnel. All instruction, of course, should be progressive, passing from the individual to the largest unit. In theory this idea is carried out by giving certain instruction in the armory, which is then supplemented by summer State encampments and which culminates in the combined field exercises with the Regular Army. The instruction in the armory, beginning with the individual, is in all the minutia of a soldier's life which can be given indoors. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundations of this instruction is weak, necessarily the entire structure is unstable. This is exactly the situation which prevails at the present time. The armories generally throughout the country are inadequate and unsuited for their purpose, and in many States there are no armories at all, but buildings or rooms are leased for the purpose. It is gratifying to state, however, that there is an awakening interest in this subject and that in a number of States legislative enactments have been passed looking to the ultimate erection of armories. In this connection, I desire to call attention to the statement of my predecessor relative to the totally unsatisfactory condition of the armory of the District of Columbia. The fact of the National Government, in the one place where it is to provide armories, failing to appreciate the necessity therefor, can not but have a very deleterious effect upon the States."

At the present time the National Guard of the District of Columbia is quartered in eight rented structures, none of which is safeguarded against fire, all of which are inadequate and unsightly, and for which the Government is paying an annual rental of \$16,440. Within these buildings is stored Government property estimated to be worth \$200,000, and it was stated in the hearings before the committee on the proposed bill that in case of fire in any of these buildings it would be absolutely impossible to arrest it. As indicating the disadvantages under which the National Guard is at present working, we quote from the statement of Col. William E. Harvey, of the Second Infantry, National Guard of the District of Columbia, as follows:

"Some of the men have to double up and put the equipments of the two men in one locker. The standard locker adopted by the Army is 6 feet high, 24 inches wide, and 18 inches deep. The lockers which we have—80 per cent of them—are not half that size. We can not put all of a man's equipment in them. Take, for instance, our equipment of overcoats. We have no place to put a man's overcoat to keep it, except in packing boxes. We have stored in our main armory stack upon stack of big chests containing the overcoats. If a company is ordered out in winter, a man has to go to the armory superintendent, draw his box of overcoats, give a receipt for it, take it out, and issue it to the men. You can see how absolutely impossible it is to make a quick movement with that kind of accommodations.

"The same is true of blankets. We can not keep individual blankets where they are available. They have to be kept in bulk—boxed up and stored away. The same is true of shelter tents and the field equipment, consisting of haversacks, canteens, and so on. So that we are in a bad way as to equipment; and the first thing that the armory commission took into consideration—the one standard unit which was adopted to work from—was the individual locker for the equipment. We planned it with a view to having the company room large enough to accommodate standard lockers for the entire command."

The danger from fire and its effect upon the National Guard organization was emphasized by Gen. Robert K. Evans, General Staff Corps, United States Army, in the following language:

"It is not extravagant to say that a combination of evil-disposed people could destroy the equipment and armament of the militia very easily in an hour or two by just going around to these wretched hovels that the armament is now stored in, some of which are really inflammable and not much better than chicken coops.

"A mob could burn that equipment and arms up in one night, and if a general condition of unrest or railway disturbance occurred the guard could not get rearmend in several weeks, I think. We would be compelled to get the armament and equipment from the Springfield Arsenal, or one at Rock Island, out there on the Mississippi River, so that your guard, just because of the inflammable nature of the buildings where the equipment is stored, would be put out of business."

The necessity for adequate armory facilities in the District of Columbia is emphasized in the report of the War Department, which is as follows:

WAR DEPARTMENT,
Washington, May 23, 1912.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
United States Senate.

SIR: I have the honor to return herewith Senate bill No. 6734.

1. The National Guard of the District of Columbia at present consists of the following organizations: First Infantry, of 12 companies; Second Infantry, of 11 companies; First Separate Battalion, of 4 companies; First Battery Field Artillery; Company A, Signal Corps (field company); 1 ambulance company, Hospital Corps, which are provided with armory facilities as follows:

At the Center Market, Pennsylvania Avenue, between Seventh and Ninth Streets: Ten companies of the Second Infantry, eight companies of the First Infantry, one company (ambulance) Hospital Corps.

At the Oyster Building, corner Pennsylvania Avenue and Ninth Street: Four companies (First Battalion, First Infantry).

At Twelfth and U Streets NW.: Four companies (First Separate Battalion).

At Y. M. C. A. Building: One company (Company K, Second Infantry).

At 473 Missouri Avenue NW.: First Battery Field Artillery; Company A, Signal Corps.

At 469 Missouri Avenue NW.: Storehouse for quartermaster and ordnance supplies.

At 621 B Street NW.: Storehouse for subsistence property. These places are rented.

2. These armories are entirely inadequate and unsuitable in the following particulars:

They are small and are now badly crowded with all of the organizations below the minimum authorized strength. Were the organizations recruited to the minimum authorized strength, the armories could not accommodate the guard at all.

The storage space is entirely inadequate and in many cases insecure, which results in much damage and loss to the Government property.

The Center Market, where most of the organizations are quartered above the market, is an old building, the plan of which is not at all suitable. It smells of bad odors from the market below and the gases from an ice plant in the building and is most unattractive in its surroundings, plan, and condition of repair, due to its age.

The Oyster Building, where the First Battalion of the First Infantry is quartered, is even less suitable than the Center Market Armory.

3. An armory serves a twofold purpose. First, it provides storage facilities, protecting Government property from loss, damage, or deterioration, and, second, it provides instructional facilities for the personnel. The instruction of the individual begins in the armory and is in all the minutia of the soldier's life which can be given indoors. This instruction in the armory is then supplemented by summer State encampments, and culminates in the combined field exercises with the Regular Army. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundation of this instruction is weak necessarily the entire structure is unstable. Acknowledging these facts, most of the States are now providing armory facilities. The National Guard of the District of Columbia is essentially a Federal force, having been created under an act of Congress and having the President as the commander in chief. An adequate armory provision is therefore the duty of the Federal Government.

4. Recognizing these facts, Congress appointed a commission, consisting of the Assistant Secretary of War, the general commanding the Militia of the District of Columbia, the officer in charge of public buildings and grounds, Washington, and the Superintendent of the Capitol Building and Grounds, to cause plans and estimates to be prepared for a suitable armory. This commission made its report, which is published in the Sixty-first Congress, second session, House of Representatives Document No. 860. It is believed that the armory recommended therein is suitable, and its erection is urgently recommended.

5. Not only is a suitable armory needed for the protection of the Federal equipment stored therein, and for the instruction of the District Guard itself, but also such armory would serve as a model for the States, as many militia authorities visit this city, and the inspection of such an armory would enable them to obtain correct ideas and thus facilitate the work generally throughout the States of securing model armories.

ROBERT SHAW OLIVER,
Assistant Secretary of War.

The following extracts from the reports of officers of the United States Army show the armory facilities for the District of Columbia National Guard:

"Armory facilities are inadequate and the guard labors under many disadvantages for this reason." (Annual Report on the Organized Militia of the United States, 1905, p. 112.)

Maj. Lloyd M. Brett, First Cavalry, United States Army:

"The buildings now in use as armories are unsuitable and inadequate. Within them public and private property is insecure and they do not offer proper facilities for military work. They are the best accommodations that can be secured in the District.

"When the Congress of the United States passed the militia act of 1903 it assigned to the National Guard of the country an important place among its military forces, and the National Guard will have to work hard to realize expectations. It would appear to be the part of wisdom for the General Government to set the example to the States by housing the National Guard of the District of Columbia, for the maintenance of which it alone appropriates the funds, in an armory that will stand the scrutiny of the many visiting guardsmen and that will serve as a model for the States to follow." (Annual Report on the Organized Militia of the United States, 1906, p. 148.)

Maj. Lloyd M. Brett, First Cavalry, United States Army:

"A suitable armory continues to be the crying need of the National Guard of the District of Columbia. A bill for such a structure is again before Congress and has the earnest support of the War Department. Congress has in many ways expressed itself unequivocally as favoring the proper support by the Federal Government of an efficient Organized Militia. No troops have shown themselves more deserving of encouragement than those in the District of Columbia, and it is believed that Congress will come to their relief as soon as it is realized that they have no fit place in which to do the military work necessary to qualify them for their country's service." (Annual Report on the Organized Militia of the United States, 1908, p. 188.)

Maj. S. L. Faison, Twenty-fourth Infantry, United States Army, reports, in connection with annual inspection of 1910:

"The companies of the First and Second Regiments, except Company K of the Second Infantry, each has an office and a very small storeroom over the cold-storage plant at Center Market. The lockers of the men are in the smaller of these rooms and a closet of about 6 feet square is cut off in the latter and serves as a storeroom for company property not actually issued to the men.

The lockers of the men are placed one above the other and are about 2 feet wide. Fumes of escaping ammonia rust everything in the way of metal unless it be constantly covered with a thick coating of oil. All of the men of any one company can not dress or undress at the same time.

The companies of these two regiments assemble weekly by battalion for instruction and are assembled in one large hall in the same building. There is just barely room for the battalion at full strength to stand in line in this hall. When in column the companies stretch almost entirely across the whole width of the hall. Under such trying, not to say demoralizing, conditions it is surprising that the companies present as brave a front as was observed. An armory built on modern plans would put new life and hope into this body of men, and it is urgently recommended that immediate steps be taken to provide one."

Incidentally, the proposed armory building will furnish a hall suitable in every way for the inaugural ball which is held every four years, and which has been heretofore held in the Pension Office, at a cost of about \$50,000 for the preparations which are necessary, and with the suspension of public business in that building for several days.

This matter has been before Congress for a number of years, and the history of prior legislation relating to it, together with other valuable information, is contained in the following memorandum which was filed with the committee:

MEMORANDUM RELATIVE TO SENATE BILL 6734.

The bill authorizes the Secretary of War to enter into contracts for the construction of an armory building for the National Guard of the District of Columbia in accordance with plans submitted by the commission created by the act of Congress approved May 30, 1908 (35 Stat. L., 540), or such modified plans as may be approved by the Secretary of War and said commission, to bring it within the limit of cost of \$1,750,000. Fifty thousand dollars is made available for the preparation of detailed plans and for starting work on the foundations. It dedicates the northern part of the Mall, between Twelfth and Fourteenth Streets, for this purpose, and provides that the construction of

the building shall be under the officer in charge of public buildings and grounds, and that the plans shall be approved by the Secretary of War and the commission authorized by the act of May 30, 1908.

PRIOR ACTION.

Bill H. R. 21897, Sixtieth Congress, first session, as it passed the House of Representatives May 12, 1908, contained the following provision:

"SEC. 17. That the northerly portion of the Government reservation bounded by B Street north, B Street south, Seventh Street west, and Sixth Street west, in the District of Columbia, known as Armory Square, comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby, selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore & Potomac Railroad Co. from said square.

"That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds, be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress: *Provided*, That such plans and estimates be prepared under the supervision of the Secretary of the Treasury.

"And for the expense of said commission a sum not to exceed \$2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended on vouchers approved by the chairman of said commission."

The first paragraph of section 17 dedicating the site was stricken out in the Senate and the Superintendent of Public Buildings and Grounds was added to the commission, and in that form it became a law as the act of May 30, 1908 (35 Stat. L., 540).

On April 30, 1910, the commission created by said act made its report, submitting the plans which had been prepared for the armory by Tracy, Swartwout & Litchfield, architects, and was printed as House Document No. 860, Sixty-first Congress, second session. This report shows that the commission had the plans prepared with the idea of locating the building on the same site that the House of Representatives dedicated for that purpose, namely, the site of the old Pennsylvania Railroad Station on the north half of the Mall between Sixth and Seventh Streets. The commission says:

"As the National Guard of the District of Columbia is a Federal organization exclusively under the control of the War Department, it is presumed that the armory will be a public building under the charge and control of that department, and therefore available for the use of United States troops and for the storage of military supplies in case of war, riot, or other emergency. This possible use has been borne in mind in the planning of the building."

The plans of the building have been referred to the Fine Arts Commission and have been approved by them with some suggested modifications, and the bill is drawn so that the views expressed by the Fine Arts Commission can be met.

NEED OF AN ARMORY.

The National Guard of the District of Columbia is a Federal force created by the act of Congress approved March 1, 1889 (25 Stat. L., 774), and the act of February 18, 1909 (35 Stat. L., 629). The President of the United States is its commander in chief, and it is under the immediate supervision of the War Department. For a quarter of a century it has struggled along without any proper provision being made for housing it. It has been quartered in rented buildings of various sorts, none of which have afforded the requisite facilities for training the troops and caring for the equipment which is property of the United States.

The entire unsatisfactory and even discreditable accommodations for this organization have been commented upon year after year by the inspecting officers of the United States. A personal inspection of the buildings discloses the fact that these reports are not exaggerated, but are well founded in fact.

The organization at the present time is scattered about the city in eight different buildings, none of which are fireproof and none of which afford enough room for the keeping of the equipment. Some of the buildings have no provision at all for drilling the troops, and the troops are compelled to drill in the streets. For these unsatisfactory, uninviting, and inadequate buildings an annual rental of \$16,440 is paid.

Notwithstanding the lack of armory facilities, the National Guard of the District of Columbia has kept up a force which has worked diligently to conform to the requirements of the War Department at a very great sacrifice on the part of the officers and men, who have devoted their time and energy and in many instances money to promoting the welfare of the organization and bringing it to a point where it could be considered as efficient.

Since 1887 about 33,000 individuals, officers and men, have served in this organization. The training which they have received in some instances has been thorough and others not, but all of them have received some instruction which would be valuable in the event that the United States was forced to call for a large force of volunteers. The value of this military training may be very great to the country in time of stress.

At the outbreak of the Spanish War the entire National Guard volunteered and one regiment was permitted to enter the service. It served creditably in Cuba, and was present in the trenches when Santiago surrendered. In addition to this regiment it furnished officers and men to some of the so-called "immune" regiments and to the United States Volunteer Engineers, and during the Philippine insurrection it furnished many officers and men to the United States volunteers organized for service in the Philippines.

At the present time there are more than 25 officers in the United States Army serving there creditably, who received early military training in the District of Columbia National Guard. One of them has been awarded the congressional medal of honor for distinguished gallantry, and two of them have been selected to captain the Army Infantry team in the great rifle competitions.

Past duty well done, as well as future activity in the training of citizens to defend the flag in time of national danger, justifies the expenditure for a complete armory in the District of Columbia—one which will adequately provide for this brigade of troops and serve as a model to the State organizations.

The United States has not established a precisely formulated military policy, but it can be said that in so far as public sentiment is expressed in the halls of Congress, it is committed to the plan of keeping a relatively small but highly efficient Regular Army and relying upon the militia and volunteers for national defense. Realizing the futility of relying upon unorganized and untrained men who constitute the militia

in its broad sense, Congress has, by the acts of January 21, 1903 (32 Stat. L., 775), and May 27, 1908 (35 Stat. L., 399), undertaken to promote the efficiency of the Organized Militia or National Guard of the several States, and to bring it into one uniform and homogeneous mass to supplement the Regular Army as our first line of defense. The importance of the National Guard organizations and of this legislation is apparent from the following extract from the report of the then Secretary of War, Mr. Root, for 1903:

"Of equal importance with the General Staff act in its relation to the general military efficiency of the country is the act to promote the efficiency of the militia, approved January 21, 1903, supplemented by an appropriation of \$2,000,000 in the Army appropriation act of March 2, 1903. A copy of the statutes is annexed hereto as Appendix F. The militia act had its origin in an agreement between the Regular Army, represented by the War Department and the National Guards of the States, represented by a convention which met in Washington in January 1902, upon the main and fundamental provisions necessary to give vitality and effectiveness to our militia system. Upon the presentation of these provisions to Congress the Committee on Militia of the House took up the subject with great public spirit and industry and on that basis wrought out a bill which, with but few changes, was passed and approved in the form of the present act. The act proceeds upon the following ideas:

"That whenever the United States becomes involved in war the Regular Army will form but a small part of its armed force; and the country must also rely, for immediate and special exigencies, upon militia; and for service going beyond the proper limits of militia duty, upon volunteers.

"That it is of vital importance to have a trained force of militia ready for instant service when called upon and also to have a large number of citizens sufficiently instructed and exercised in the art of war to organize, train, and command volunteer forces.

"That the best way for the National Government to secure both these requisites is by turning to the National Guards of the States, which have grown up as State organizations intended for State purposes, but are composed of citizens liable to be called upon by the National Government for military duty, and willing to devote a considerable part of their time to fitting themselves for the performance of that duty.

"That, without at all interfering with the services of these organizations to their respective States in time of peace, they can be treated as a national militia to be called into the service of the United States in time of war; and that it is for the interests of the National Government to make these organizations as effective as possible, having in view their prospective national service as militia and their immediate service as the school of the national volunteer soldier."

Experience has shown that adequate armories are a prime necessity to these National Guard forces, and it is so recognized by the War Department, which has made great efforts to prevail upon the State organizations to provide themselves with the proper armory facilities. Upon this subject the Military Secretary has reported:

"The duty imposed upon the governors of the States and Territories by section 1661, Revised Statutes, as amended and by the militia act of January 21, 1903, of accounting for public property issued under authority thereof, presented immediately the question of providing adequate facilities for the storage and protection of such property.

"Diligent inquiry has developed the fact that, while in the larger cities of the more populous States there are buildings excellently adapted to the purposes for which they are designed and used, there is in general a lamentable lack of proper armory accommodations in the smaller cities and villages.

"This is an evil which can be remedied only by liberal appropriations by the States and Territories or by private contributions. The department is encouraged to hope that the State and local authorities are awakening to the importance of this subject; and it is known that in many instances where armory facilities have been found palpably deficient temporary accommodations have already been provided with the ultimate object of supplanting these makeshifts by substantial structures owned by the State or by the bodies corporate of the organizations themselves. In mitigation of any blame that may be attached to the military organizations, it is to be remarked that the most convenient and in every respect the most suitable armories are those owned by such organizations, constructed from funds raised by private subscriptions and practically without State aid.

"Experience has demonstrated that there is no element more effective in promoting the organization of National Guard companies and in sustaining the interest of their members, thus contributing to their efficiency as component parts of the National Guard, than the providing of attractive and suitable buildings for their accommodations and the safe storage of their supplies and equipment."

The Chief of the Militia Division of the War Department, in his report for 1909, says:

"Much difficulty is met in the matter of armory instruction, due to the fact that in many of the States suitable armory facilities are not provided. In this connection, attention is invited to the quotations from the reports of officers submitted hereinafter in this report, which show, in detail, in the several States and Territories, the unsatisfactory status of the armory question. The policy of the War Department in reference to this is that inasmuch as the United States issues to the States and Territories valuable armament, equipment, and military stores for the Organized Militia, the latter should provide adequate and secure storage facilities for these stores, and equally adequate facilities for drilling and conducting the training of the troops under cover. Some of the States have been fully cognizant of their obligations in regard to armories and have provided ample facilities both for storage and training. The example of these States is little by little beginning to have effect in other States. It is hoped this movement will proceed more rapidly and progressively accomplish a satisfactory solution of this difficult problem."

In his report for 1911 he says:

"The armory serves a twofold purpose: First, it provides storage facilities, protecting Government property from loss, damage, deterioration; and second, it provides instruction facilities for the personnel. All instruction, of course, should be progressive, passing from the individual to the largest unit. In theory this idea is carried out by giving certain instruction in the armory, which is then supplemented by summer State encampments, and which culminates in the combined field exercises with the Regular Army. The instruction in the armory, beginning with the individual, is in all the minutiae of a soldier's life which can be given indoors. It is therefore seen that the armory is the basis of the entire instruction, and that if the foundations of this instruction is weak, necessarily the entire structure is unstable. This is exactly the situation which prevails at the present time. The armories generally throughout the country are inadequate and un-

suited for their purpose, and in many States there are no armories at all, but buildings or rooms are leased for the purpose. It is gratifying to state, however, that there is an awakening interest in this subject, and that in a number of States legislative enactments have been passed looking to the ultimate erection of armories. In this connection, I desire to call attention to the statement of my predecessor relative to the totally unsatisfactory condition of the armory of the District of Columbia. The fact of the National Government, in the one place where it is to provide armories, failing to appreciate the necessity thereof can not but have a very deleterious effect upon the States."

If the United States is to rely in large part upon the militia; if the militia of the several States is maintained and trained to the standard of efficiency which the military authorities of the United States deem necessary; if, as experience has shown, adequate armories are an absolute necessity in that maintenance and training, it would seem the part of wisdom on the part of the Federal Government to supply its own Organized Militia in the District of Columbia, which is within the exclusive jurisdiction of Congress, with an armory which will be a model in every way and which can stand as an object lesson to the many State national guardsmen who visit the National Capital, that they may take home with them ideas as to what is desirable in armory construction.

THE EXAMPLE OF THE STATE OF NEW YORK.

New York has demonstrated the difference between a wise and liberal policy and the "penny-wise, pound-foolish" policy adopted in some places. She has treated her militia seriously, provided for it thoroughly, going on the idea that what is worth doing is worth doing right. Long ago she decided that her soldiers should be quartered in buildings owned by the State or county, and not rented from individuals or corporations. She built armories, handsome, commodious, well-planned structures, and the result of this wisdom is shown in the fine organizations of citizen soldiery. She maintains an organization of 963 commissioned officers and 13,688 enlisted men, a total of 14,651 soldiers, an entire division.

She maintains 13 regimental armories, 4 battalion armories, 3 two-company armories, 2 armories for one company and one troop, 4 armories for mounted troops, 2 armories for the signal companies, 31 armories for separate companies, and 3 armories for the Naval Militia, in all 59 armories, of which but 1 is a rented building. The rest are owned by the public, with the exception of one building, which is owned by the organization itself.

From the report of the commission appointed pursuant to chapter 261 of the laws of 1907 to inquire into the conditions of the National Guard of New York in 1908, the following detailed information relative to New York armories is taken (pp. 214, 125):

Armory condition of the National Guard of New York in 1908.

Location of armory.	Organization.	Drill-floor space.	When built.	Built by—
REGIMENTAL.				
		<i>Sq. ft.</i>		
Brooklyn.....	Thirteenth Regiment.....	80,000	1892	County.
Buffalo.....	Seventy-fourth Regiment.....	72,924	1889	State.
Do.....	Sixty-fifth Regiment.....	72,000	1906	Do.
Brooklyn.....	Twenty-third Regiment.....	60,000	1894	Do.
Do.....	Forty-seventh Regiment.....	59,000	1883	Do.
Do.....	Fourteenth Regiment.....	52,000	1895	County.
New York.....	Seventh Regiment.....	50,000	1875	Regiment.
Do.....	Twenty-second Regiment.....	41,125	1890	County.
Do.....	Ninth Regiment.....	40,700	1895	Do.
Do.....	Twelfth Regiment.....	37,774	1886	Do.
Do.....	Seventy-first Regiment.....	36,480	1903	Do.
Do.....	Eighth Regiment.....	35,904	1889	Do.
Do.....	Sixty-ninth Regiment.....	23,750	1906	Do.
BATTALIONS.				
Albany.....	Tenth Battalion.....	41,650	1889	State.
Do.....	Troop B.....	8,400		
Rochester.....	Third Regiment.....	31,500	1906	Do.
Troy.....	Second Regiment.....	27,875	1884	Do.
TWO COMPANIES.				
Schenectady.....	Second Regiment.....	13,100	1899	State.
Newburgh.....	First Regiment.....	10,336	1878	Do.
Utica.....	do.....	9,600	1883	Do.
DOUBLE, HORSE AND FOOT.				
Binghamton.....	Company.....	15,100	1904	State.
Do.....	Battery.....	9,894		
Syracuse.....	Company.....	15,100	1907	Do.
Do.....	Troop.....	15,100		
MOUNTED TROOPS.				
Brooklyn.....	Squadron C.....	57,459	1906	County.
New York.....	Squadron A.....	16,554	1894	State.
Brooklyn.....	Third Battery.....	18,400	1870	Do.
New York.....	First Battery.....	11,200	1902	Do.
SIGNAL CORPS.				
Brooklyn.....	Second Company.....	10,000	1884	County.
New York.....	First Company.....	2,310	1903	Do.
Medina.....	Twenty-ninth Separate Company.....	15,100	1902	State.
Elmira.....	Thirtieth Separate Company.....	14,692	1888	Do.
Kingston.....	Fourteenth Separate Company.....	13,025	1879	Do.
Olean.....	Forty-third Separate Company.....	12,690	1890	Do.
Saratoga.....	Twenty-second Separate Company.....	12,500	1881	Do.
Oswego.....	Forty-eighth Separate Company.....	12,100	1907	Do.
Watertown.....	Thirtieth Separate Company.....	11,200	1874	Do.
Poughkeepsie.....	Fifteenth Separate Company.....	10,988	1891	Do.
Auburn.....	Second Separate Company.....	10,925	1872	Do.
Gloversville.....	Nineteenth Separate Company.....	10,800	1895	Do.
Oneonta.....	Third Separate Company.....	10,800	1904	Do.
Whitehall.....	Ninth Separate Company.....	10,800	1900	Do.
Middletown.....	Twenty-fourth Separate Company.....	10,650	1891	Do.

Armory condition of the National Guard of New York in 1908—Contd.

Location of armory.	Organization.	Drill-floor space.	When built.	Built by—
SIGNAL CORPS—continued.				
		<i>Sq. ft.</i>		
Walton.....	Thirty-third Separate Company.....	10,330	1895	State.
Flushing.....	Seventeenth Separate Company.....	10,230	1906	Do.
Amsterdam.....	Forty-sixth Separate Company.....	9,600	1894	Do.
Hornell.....	Forty-seventh Separate Company.....	9,600	1895	Do.
Hudson.....	Twenty-third Separate Company.....	9,600	1898	Do.
Mohawk.....	Thirty-first Separate Company.....	9,600	1891	Do.
Niagara Falls.....	Forty-second Separate Company.....	9,600	1895	Do.
Ogdensburg.....	Fortieth Separate Company.....	9,600	1897	Do.
Tonawanda.....	Twenty-fifth Separate Company.....	9,600	1896	Do.
Yonkers.....	Fourth Separate Company.....	9,548	1886	Do.
Geneva.....	Thirty-fourth Separate Company.....	9,375	1892	Do.
Glens Falls.....	Eighteenth Separate Company.....	9,000	1883	Do.
Hoosick Falls.....	8,360	1888	Do.
Cohoes.....	Seventh Separate Company.....	8,250	1894	Do.
Jamestown.....	Thirteenth Separate Company.....	7,700	1890	Do.
Catskill.....	Sixteenth Separate Company.....	7,500	1889	Do.
Malone.....	Twenty-seventh Separate Company.....	7,500	1892	Do.
Mount Vernon.....	Eleventh Separate Company.....	6,750	1889	Do.
White Plains.....	Forty-ninth Separate Company.....	(1)		
New York.....	Second Battery.....	(2)		
NAVAL MILITIA.				
New York.....	First Battalion.....	(3)		State.
Brooklyn.....	Second Battalion.....	28,000	1905	County.
Summersville.....	Separate division.....	(4)		State.

¹ No armory. ² Training ship, Granite State.
³ Rented armory. ⁴ Boathouse, 80 by 125 feet.

The adjutant general of New York states that the average cost of the separate-company armories is \$75,000 each. From the report just quoted is taken the following as to the cost of regimental armories located in the city of Greater New York:

MANHATTAN AND THE BRONX.

Seventh Regiment (built 1875):			
Site.....		\$1,300,000.00	
Building.....		600,000.00	
Repairs, supplies, etc.....		38,268.50	
			\$1,938,268.50
Eighth Regiment (built 1889):			
Site.....		350,000.00	
Building.....		328,672.00	
Repairs, supplies, etc.....		43,064.96	
			721,736.96
Ninth Regiment (built 1895):			
Site.....		437,062.08	
Building.....		342,310.12	
Repairs, supplies, etc.....		30,025.85	
			809,398.05
Twelfth Regiment (built 1886):			
Site.....		208,000.00	
Building.....		344,751.31	
Repairs, supplies, etc.....		33,824.24	
			586,575.55
Twenty-second Regiment (built 1890):			
Site (old).....		265,000.00	
Building (old).....		318,318.46	
Site (new).....		381,000.00	
Building (new).....		685,000.00	
Repairs, supplies, etc.....		40,139.82	
			1,689,458.28
Sixty-ninth Regiment (built 1906):			
Site.....		8792,028.00	
Building.....		724,940.02	
Repairs, supplies, etc.....		22,996.82	
			1,539,964.84
Seventy-first Regiment (built, new, 1903):			
Site.....		445,829.00	
Building (old).....		413,813.70	
Building (new).....		716,917.70	
Repairs, supplies, etc.....		32,011.10	
			1,608,571.50
Squadron A:			
Site (bought with Eighth Regiment site).....			
Building.....		164,275.97	
Repairs, supplies, etc.....		39,391.88	
			203,667.85
First Battery:			
Site.....		116,422.73	
Building.....		201,509.80	
Repairs, supplies, etc.....		13,564.27	
			331,496.80
Second Battery:			
Site.....		85,000.00	
Building.....		450,000.00	
Repairs, supplies, etc.....		13,975.00	
			548,975.00
First Signal Corps (quarters in Seventy-first Regiment Armory):			
Repairs, supplies, etc.....			9,114.00
Field Hospital (quarters in First Battery Armory):			
Repairs, supplies, etc.....			2,000.00
First Battalion Naval Militia:			
Improvements.....		15,339.65	
Repairs, supplies, etc.....		20,344.89	
			35,744.54
Total.....			10,024,972.84

BROOKLYN.		
Thirteenth Regiment (built 1892):		
Site	\$120,000.00	
Building	555,000.00	
Extension (site)	114,068.18	
Extension (building)	170,264.00	
Repairs, supplies, etc.	48,236.24	
		\$1,007,568.42
Fourteenth Regiment (built 1895):		
Site	85,000.00	
Building	615,000.00	
Repairs, supplies, etc.	29,744.00	
		729,744.00
Squadron C:		
Site	58,500.00	
Building	486,882.40	
Repairs, supplies, etc.	26,296.69	
		571,679.09
Third Battery:		
Site	35,200.00	
Building	164,800.00	
Repairs, supplies, etc.	25,883.54	
		225,883.54
Second Company, Signal Corps:		
Site	6,000.00	
Building	64,000.00	
Repairs, supplies, etc.	10,467.80	
		80,467.80
Second Battalion, Naval Militia:		
Site	125,000.00	
Building	437,448.91	
Repairs, supplies, etc.	20,500.00	
		582,948.91
Total		3,198,291.76

STATE ARMORIES.		
BROOKLYN.		
Twenty-third Regiment (built 1894):		
Site	\$125,000.00	
Building	575,000.00	
Repairs, supplies	27,289.85	
		\$727,289.85
Forty-seventh Regiment (built 1883):		
Site	151,000.00	
Building	399,000.00	
Repairs, supplies, etc.	23,497.00	
		573,497.00
QUEENS.		
Seventeenth Separate Company:		
Site	8,500.00	
Building	80,000.00	
Repair, supplies, etc.	10,925.00	
		99,425.00
Total		1,400,211.83

RECAPITULATION.				
Borough.	Sites.	Buildings.	Repairs, etc.	Total.
Manhattan and the Bronx.....	\$4,380,342.21	\$5,290,509.65	\$354,120.98	\$10,024,972.84
Brooklyn.....	543,768.18	2,493,395.31	161,128.27	3,198,291.76
Expenditures by city for State armories.....			61,711.83	61,711.83
Grand total.....	4,924,110.39	7,783,904.96	576,961.08	13,284,976.43

The report of the New York commission, above quoted (p. 110), shows that the cost of the Sixty-fifth Regiment Armory at Buffalo to date of report was:

Building and equipment.....	\$1,154,316.92
Cost of site.....	220,000.00
Total.....	1,374,316.92

The new armory provided for the Eighth Artillery district of New York is to cost \$1,286,500. (Report of Armory Board, New York City, 1911, p. 41.)

The armory of the Seventh Regiment has recently been enlarged and remodelled to meet the requirement of the War Department as to 12 companies to the regiment instead of 10, and the city has expended on this \$382,209.99. (Ib., p. 40.)

The following details will give an idea as to the space provided in some of the armories in New York for single regiments:

Regiments.	Location.	Size of lot.	Size of drill hall.
		Feet.	Feet.
Sixty-fifth.....	Buffalo.....	578 by 780	336 by 240
Seventy-fourth.....	do.....	256 by 624	236 by 309
Forty-seventh.....	Brooklyn.....	211 by 623	197 by 300
Twenty-third.....	do.....	219 by 501	197 by 297
Seventh.....	New York.....	200 by 400	200 by 300
Eighth.....	New York (old building).....	200 by 300	200 by 200
Do.....	New York (new building).....		

This last-mentioned armory is being built for the eighth artillery district of New York, and has been reported as being the largest armory constructed to date. Its cost is over \$1,000,000.

New York is not the only State which has followed the plan of providing public buildings in preference to rented quarters, but detailed information relative to other States is not as complete.

Massachusetts has a number of fine armories. Connecticut has recently completed a very fine regimental armory at Hartford, having as much space in it as some of the largest armories above referred to.

Rhode Island has within the past few years erected at Providence a very fine structure, making provision for a regiment of Coast Artillery and a battery of Field Artillery. The building alone cost \$488,000. The dimensions are 381 by 167. It contains two drill halls, one 233 by 167 feet and the other 231 by 89 feet.

Pennsylvania has a number of fine armories, and is engaged at the present time in a progressive policy of building armories. A very fine armory has recently been erected at Pittsburgh for the Eighteenth Regiment, the details of which are not at hand.

Maryland: The armory of the Fifth Regiment at Baltimore is a large and commodious structure. The site cost \$125,000. The building cost \$350,000. The size of the building is 336 by 300. The drill hall 300 by 200.

PLANS SUBMITTED BY THE ARMORY COMMISSION.

The plans submitted make provision for a brigade of practically three regiments, namely, two regiments of Infantry, a battalion of Coast Artillery, a signal company, an engineer company, ambulance company, a troop of Cavalry, and a battery of Field Artillery. The organization is equal to that housed in three of the New York regimental armories. The best military administration can be obtained where the entire organization is together, as well as greater economy in the construction of the building and the better safeguarding of public property.

The plans as prepared call for a building 480 by 380, as no larger building could be erected on the site between Sixth and Seventh Streets. The main drill hall is 243 by 350 feet. In addition to this, there is a small drill hall provided for mounted troops. The following are some of the features of the building:

In the basement there are storage rooms for the Engineer and Signal Corps, ambulance and hospital, first regiment, second regiment, and for the general supplies of the brigade. A room for the armorer, a magazine, a reloading room, a swimming pool, gymnasium, shower bath, the riding hall, and mechanical plant, lavatories, etc.; also a shooting gallery, gun-wagon park wherein to keep the wheeled transportation.

On the main floor is the great drill hall above referred to, and at each end locker rooms for 12 companies of Infantry. The fixed unit which was worked upon was the standard locker which has been designed by the Army to accommodate a soldier's equipment. It is planned to have enough of these to equip a company at war strength. The District of Columbia is the only National Guard organization having provision for a reserve, and it is planned to keep the equipment for the reserve in the individual lockers, where it will be immediately available. On this floor also is the model room for the Coast Artillery Corps, lockers for the Engineer and Signal Corps, and an examining room, a room for the surgeons, a guardroom, a room for the superintendent, an issue room, and a room for clothing storage, and a tailor shop.

On the next floor will be the company room for 12 companies of Infantry, 4 Coast Artillery, the necessary office rooms for the regimental and brigade administration, and the gymnasium.

On the next floor are two company drill rooms, a squad drill room, practice room for the band, instruction room, a dispensary and ward, lyceum, a memorial hall, kitchen and dining room, library, billiard room, bowling alleys, boxing and fencing rooms.

All of these rooms will present features which are important. It is contemplated that field ranges will be set up in the kitchen, where the cooks can be taught how to prepare the field rations. A number of the cooks of the District of Columbia National Guard have in times past attended the Army Cooking School at the Washington Barracks, and it is plain that there is no one element of military training more important than to have enlisted men trained to cook for their companies.

The memorial hall is intended as a place where patriotic societies, as well as the Grand Army of the Republic, Loyal Legion, etc., can deposit their relics.

The drill hall will afford an ample place in which to hold the inaugural balls, which for many years past have been held in the Pension Office Building at a cost to the Government which has been estimated as high as \$50,000, for it involves the closing of the office to business for a week or 10 days, and the loss in clerk hire is very great.

The estimated cost is not excessive when it is taken into consideration that the building is to house virtually three regiments, and must architecturally conform to the scheme for the public buildings of Washington. By reference to the cost of armories erected for single regiments, where no special attention has been paid to the architectural features of the exterior, it is plain that this sum is not too large for the erection of a proper building.

PARK COMMISSION PLANS.

The plans of the Park Commission, Senate Report No. 156, Fifty-seventh Congress, first session, show that an armory for the District of Columbia Militia was one of the public buildings which the commission planned for. On the subject of the location of public buildings the commission reported:

"The location of public buildings has received the very careful consideration of the commission. In general terms, their conclusions are * * *

"Fourth. That the northern side of the Mall may properly be used by museum and other buildings containing collections in which the public generally is interested, but not by department buildings.

"Fifth. That the space between Pennsylvania Avenue and the Mall should be occupied by the District Building, the Hall of Records, a modern market, and armory for the District Militia, and structures of like character" (pp. 28, 29, of the Report of the Park Commission).

Speaking of the area south of Pennsylvania Avenue, the commission says:

"Within the same general area should be constructed an armory sufficient in size to accommodate the brigade of District Militia; and since the inauguration of the President of the United States is regarded as a municipal and not as a national function, the armory should be of a character to accommodate the inaugural balls now given in the Pension Bureau to the disturbance of public business." (Ib., p. 70.)

On the diagram showing sites for future public buildings, printed in the report facing page 28, is shown a long building occupying the space from Pennsylvania Avenue to B Street, between Fourteenth and Fifteenth Streets. It is understood that this represents the Park Commission idea as to the location of the District armory. That site, however, has been taken for departmental buildings, namely, for the Department of Commerce and Labor and Department of Justice.

PROPOSED SITE.

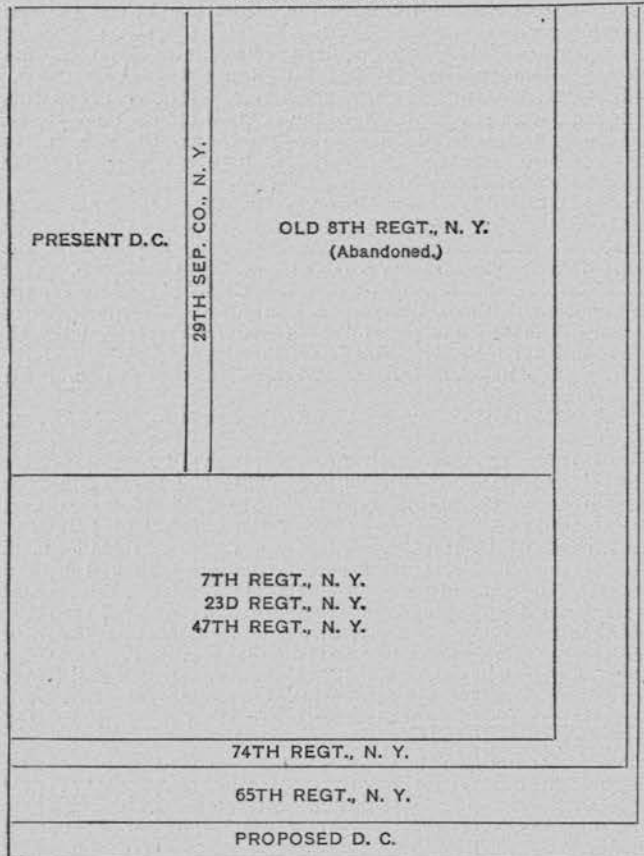
The proposed site for the armory is on the north side of the Mall, between Twelfth and Fourteenth Streets, north of a line established for the New National Museum Building. This tract is immediately adjacent to the one suggested by the Park Commission for the armory. The

Park Commission plans call for a large building on this site. It is at present occupied by greenhouses and some sort of a machine shop. The erection of an armory on this site fully conforms to the views expressed by the Park Commission and is in harmony with those plans.

The building which was designed pursuant to the act of May 30, 1908, contemplated putting the building five squares east of this on the north side of the Mall between Sixth and Seventh Streets, but that site has been dedicated by the Senate for the erection of the George Washington Memorial. The site proposed in the pending bill, while not quite so accessible, is larger, and the grounds themselves will adapt themselves better to the erection of an armory than would the Sixth Street site. The Park Commission plans call for the erection of a very large building on this site, and the plans have been prepared for the armory with a view to conforming fully to the views of the Park Commission as to the type of building to be erected.

Diagram showing relative size of present drill hall for the District of Columbia brigade and New York halls for a single company and single regiments.

Scale, 1 Inch=60 feet.



COMPARATIVE SIZE OF DRILL HALL.

	Feet.
Present District of Columbia.....	200 by 68
Twenty-ninth Separate Company, New York (15,000 square feet).....	200 by 75
Eighth Regiment, New York (old building).....	200 by 200
Twenty-third Regiment, New York.....	297 by 197
Forty-seventh Regiment, New York.....	300 by 197
Seventh Regiment, New York.....	300 by 200
Seventy-fourth Regiment, New York.....	309 by 236
Sixty-fifth Regiment, New York.....	336 by 240
Proposed District of Columbia (for brigade).....	350 by 243

GOVERNMENT RENTALS IN THE DISTRICT OF COLUMBIA.

The concurrent resolution (S. Con. Res. 22) to appoint a joint special committee of the Congress to investigate rentals paid by the Government and the District of Columbia was considered by unanimous consent.

The concurrent resolution was reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 2, line 1, after the words "District of Columbia," to insert: "with the view of ascertaining by what bureaus, departments, and individual representatives thereof contracts for these rentals were made, and with the view of ascertaining further how the rents paid by the Government for premises in the District of Columbia compare with rents previously or subsequently paid for the same or for similar premises," so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That a joint special committee of the two Houses of Congress is hereby created, to be composed of three Members of the Senate, to be appointed by the Presiding Officer thereof, and three Members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and di-

rected, by subcommittee or otherwise, to sit during the sessions or recess of Congress, to carefully inquire into the possibility of better utilizing space in the several departments of the General Government and the District of Columbia, and also to make a thorough investigation of the rentals paid by the Government and the District of Columbia, with the view of ascertaining by what bureaus, departments, and individual representatives thereof contracts for these rentals were made, and with the view of ascertaining further how the rents paid by the Government for premises in the District of Columbia compare with rents previously or subsequently paid for the same or for similar premises. Said committee is authorized to employ a stenographer and such other assistants as may be necessary, and shall conclude its investigation and report to the Sixty-third Congress the result thereof, together with its recommendations concerning such legislation, if any, as may be advisable. The expenses incurred by said committee shall be paid equally out of the contingent funds of the Senate and the House of Representatives upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

The amendment was agreed to.
 Mr. CULBERSON. I will ask why this resolution went to the Committee to Audit and Control the Contingent Expenses of the Senate? The proposed committee being a joint committee, will the expenses be paid out of the contingent fund of the Senate?

Mr. GALLINGER. No; the expenses will be paid jointly from the contingent funds of the two Houses.

Mr. CULBERSON. Very well.
 The concurrent resolution as amended was agreed to.

EXPENSES OF "TITANIC" INVESTIGATION.

The resolution (S. Res. 327) to reimburse the Sergeant at Arms for expenses incurred in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon the subcommittee, was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be reimbursed, out of the contingent fund of the Senate, an amount not to exceed \$566.71 additional expenses necessarily incurred by order of the subcommittee of the Committee on Commerce in bringing the officers and crew of the White Star liner *Titanic* from New York to Washington, and care while in Washington in attendance upon said committee.

HEARINGS, COMMITTEE ON NAVAL AFFAIRS.

The resolution (S. Res. 326) authorizing the Committee on Naval Affairs to employ a stenographer to report hearings on bills or other matters pending before the committee was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS, COMMITTEE ON PACIFIC ISLANDS AND PORTO RICO.

The resolution (S. Res. 317) authorizing the Committee on Pacific Islands and Porto Rico to employ a stenographer to report hearings on bills and other matters pending before the committee was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Pacific Islands and Porto Rico, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate. This resolution to take effect from the beginning of the present session.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION CO.

The bill (H. R. 22204) granting a right of way to the Panama-Pacific International Exposition Co. across the Fort Mason Military Reservation in California was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in section 1, page 1, line 4, after the word "Company," to insert "or such successors or assigns as may be approved by the Secretary of War," so as to make the section read:

That the consent of the United States is hereby given the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, to locate, construct, maintain, and operate a railroad and tunnel upon and across the property belonging to the United States at Fort Mason, in the State of California, upon such location and under such regulations as shall be approved by the Secretary of War.

Mr. CULBERSON. I will ask the Senator in charge of the bill why is that provision inserted which limits the right of succession to those who may be approved by the Secretary of War?

Mr. BRISTOW. This exposition company will probably cease to exist after the exposition is over; but the tunnel will be a permanent structure, running to the docks of the Government there.

The War Department is anxious to have such a tunnel and railroad, and the exposition company desires their construction. The amendment is simply to provide for their continuance under some possession after the exposition ceases to exist. Any transfer that might be made will be subject to the approval of the Secretary of War, and then the right is reserved to repeal the act at any time if Congress shall so desire, so that I think the Government is amply protected.

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

The amendment was agreed to.

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

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

The bill was read the third time, and passed.

The title was amended so as to read: "An act granting a right of way to the Panama-Pacific International Exposition Co., or such successors or assigns as may be approved by the Secretary of War, across the Fort Mason Military Reservation in California."

STATISTICS OF COTTON.

Mr. GUGGENHEIM. Owing to the absence of the chairman of the Committee on the Census, I have been requested by the members of the committee to report favorably the bill (H. R. 19403) authorizing the Director of the Census to collect and publish statistics of cotton. I call the attention of the Senator from Georgia to the bill.

Mr. SMITH of Georgia. Mr. President, the bill which has just been reported is quite similar to a bill which the Senate has already passed. The Committee on Agriculture and Forestry had before them the bill which the Senate passed, and I believe were not aware of the fact that the House had already passed a similar bill, that it was in the Senate and was pending before the Census Committee. Our lack of information on the subject was due to the fact that the Census Committee had not had a meeting this year. The bill passed by the House provides that the Director of the Census shall furnish the Bureau of Statistics, Department of Agriculture, such information as he can gather with reference to the volume of cotton in existence and requires that facts covering the volume of cotton on hand be published at the same time crop reports are published with reference to the new crop.

The bill carries no appropriation. It has been submitted to the Senator from Rhode Island [Mr. LIPPITT], who has taken it up with the manufacturers. It originated with the cotton growers, but the Senator from Rhode Island has taken it up with the manufacturers, and they have suggested an amendment which the committee reports and to which I am prepared to agree. The amendment limits the frequency of the reports from the manufacturers to quarterly periods. This being the situation with reference to the bill, I do not think there will be any objection to it; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Census with an amendment, in section 2, page 2, line 6, after the word "hand," to insert "and"; and in line 7, after the word "spindles," to insert "shall be ascertained quarterly in each year," so as to make the section read:

SEC. 2. That the statistics of the quantity of cotton ginned shall show the quantity ginned from each crop prior to September 1, September 25, October 13, November 1, November 14, December 1, December 13, January 1, January 16, and March 1, and shall be published as soon as possible after these respective dates. The quantity of cotton consumed in manufacturing establishments, the quantity of baled cotton on hand, and the number of active consuming cotton spindles shall be ascertained quarterly in each year, and the statistics of cotton imported and exported shall relate to each calendar month, and shall be published as soon as possible after the close of the month. Each report published by the Bureau of the Census of the quantity of cotton ginned shall carry with it the latest available statistics concerning the quantity of cotton consumed, stocks of baled cotton on hand, the number of cotton-consuming spindles, and the quantity of cotton imported and exported. All of these publications containing statistics of cotton shall be mailed by the Director of the Census to all cotton ginners, cotton manufacturers, and cotton warehousemen, and to all daily newspapers throughout the United States. The Director of the Census shall furnish to the Bureau of Statistics of the Department of Agriculture, immediately prior to the publication of each report of that bureau regarding the cotton crop, the latest available statistics hereinbefore mentioned, and the said Bureau of Statistics shall publish the same in connection with each of its reports concerning cotton.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

ANTI-INJUNCTION BILL.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I will withhold the motion, and yield to the Senator.

Mr. MARTINE of New Jersey. I renew my motion to discharge the Committee on the Judiciary from the further consideration of House bill 23635.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution of the Senator from New Jersey, which the Secretary will state.

The SECRETARY. To discharge the Committee on the Judiciary from further consideration of the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. GALLINGER. Mr. President, had I known the purpose of the genial Senator from New Jersey, I would not have yielded, because, manifestly, his motion will adjourn the Senate, and we shall lose an executive session, which we ought really to have; but, of course, I did yield.

Mr. MARTINE of New Jersey. Mr. President, this matter has been hanging now for three or four days. I could have pressed my motion this morning, which would perhaps have resulted in no quorum and discontinued all legislation for the day; but, yielding to the suggestion made by Senators upon the other side, I deferred my motion until this time. I feel, however, that in justice to the demand that is behind this great question I should press it at this time.

Mr. GALLINGER. I have, of course, no fault to find with the Senator.

The PRESIDENT pro tempore. The motion is before the Senate.

Mr. SUTHERLAND. Mr. President, I want to make a very brief statement about this matter. This is what is known as the anti-injunction bill. It originated in the House, having been introduced by Mr. CLAYTON, and passed the House, I think, on the 15th of last month—a month ago. It came to the Senate—I do not remember the particular day—and was referred to the Committee on the Judiciary. It was recognized as an exceedingly important measure and was referred to a subcommittee of five, of which I am a member. The other members of the committee are the Senator from New York [Mr. ROOF], who is chairman of the subcommittee; the Senator from Minnesota [Mr. NELSON], the Senator from New York [Mr. O'GORMAN], and the Senator from West Virginia [Mr. CHILTON].

The subcommittee has endeavored to have meetings, and has held a number of meetings for the purpose of hearing those who were either opposed to or in favor of the bill; and thus far we have heard quite a large number of persons. During the last three or four days we have held some hearings, but at no meeting have we been able to secure a quorum of the subcommittee. But, notwithstanding that, we have proceeded with the hearings. I personally sat one whole afternoon alone hearing the arguments presented. The Senator from Minnesota [Mr. NELSON] sat another afternoon alone because I could not be present.

The motion to discharge the committee comes from the minority side of the Chamber. The two minority members of the committee have not been able to be present with us at all. I do not complain about that, because I know they have been engaged elsewhere and have been necessarily absent. We all know that at this particular period it is exceedingly difficult to get the members of any committee together, and I think a motion of this kind ought not to be pressed at the present time.

The subcommittee intends to go ahead with this matter just as rapidly as possible, and intends to make its report to the full committee, and I hope the full committee will act upon it and report to the Senate before the session adjourns.

Mr. President, the measure is an exceedingly important one. It involves substantial and vital changes in existing law. There are a very large number of persons in the United States who are interested in it; a very large number who are insisting upon its adoption and another very large number who are very much opposed to the measure; and a measure of such far-reaching importance ought to be given due consideration. It ought not to be hurried through without careful consideration and without giving everybody who is interested, within reasonable limits, an opportunity to present his views.

Mr. MARTINE of New Jersey. Mr. President, I have no desire at all to be unreasonable in the proposition, but I do

insist that while there is a large element in our population opposed to this bill there is, on the other side, an exceedingly large element in favor of it. This proposition or a similar one has had the indorsement of two Republican Presidents. Such a measure passed the House by an overwhelming majority, and there is a powerful public sentiment behind it; and inasmuch as we will next week simply convene for the purpose of recessing and then convene again for the purpose of recessing, and there is no reasonable probability of a declaration being made on this question one way or the other, I feel that in justice to the demand behind this measure I am justified in pressing this question at the present time.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

COAL MINING IN OKLAHOMA.

Mr. GORE. Mr. President, I should like—

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

Mr. GALLINGER. I yield.

Mr. GORE. When the calendar was under consideration this afternoon Order of Business 645 went over on the objection of the senior Senator from New Hampshire. He has since very kindly assured me that he would not press the objection if the bill came up again.

Mr. GALLINGER. That is correct. I looked for the Senator's colleague, and did not see him, and neither did I see the Senator in the Chamber, and for that reason I asked that the bill go over. I have no objection whatever to its present consideration.

The PRESIDENT pro tempore. The Chair will state to the Senator from Oklahoma that there is pending a resolution offered by the Senator from New Jersey.

Mr. MARTINE of New Jersey. I will defer to the Senator from Oklahoma, but I should like a vote on my proposition.

Mr. GORE. I ask unanimous consent for the present consideration of the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The PRESIDENT pro tempore. Is there objection?

Mr. HEYBURN. Let the bill be read.

Mr. GORE. I should like to say it is a measure which was introduced by my colleague, and in the passage of which he is vitally interested. I do it on his account.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Indian Affairs with amendments. The first amendment was, on page 1, line 4, after the words "grant to," to insert "the operator of"; and in line 8, after the word "Oklahoma," to insert "not to exceed in any case 640 acres of land," so as to read:

That the Secretary of the Interior, under rules and regulations to be prescribed by him, may grant to the operator of any coal mine or mines in the State of Oklahoma the right to acquire additional acreage from the unleased segregated coal lands of the Choctaw and Chickasaw Nations, in the State of Oklahoma, not to exceed in any case 640 acres of land.

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "faith," to insert "and in only such cases as may be found necessary for the successful administration of such mine," so as to read:

And provided further, That the right to acquire such additional lands shall extend only to coal-mining corporations, individual or individuals actually operating coal mines in said State in good faith, and in only such cases as may be found necessary for the successful administration of such mine.

The amendment was agreed to.

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

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

Mr. GALLINGER. I renew my motion that the Senate proceed to the consideration of executive business.

Mr. MARTINE of New Jersey. I rise to a point of order. I insist that there is not a quorum present. I ask that the roll be called.

Mr. GALLINGER. That ends both of us.

Mr. MARTINE of New Jersey. All right.

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

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

Ashurst	Fletcher	Lodge	Smith, Ariz.
Bacon	Gallinger	Martine, N. J.	Smith, Ga.
Bristow	Gardner	Myers	Stephenson
Bryan	Gore	Nelson	Sutherland
Catron	Heyburn	Page	Thornton
Culberson	Jones	Pomerene	Wetmore

The PRESIDENT pro tempore. Twenty-four Senators have answered to their names. A quorum of the Senate is not present.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, June 17, 1912, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, June 15, 1912.

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

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

We come to Thee O God our heavenly Father to renew our vows and consecrate ourselves to Thee, and by the uplift of prayer receive strength for the duties which wait upon us. We realize that whatever else is of value in life character rises superior to all. Help us, therefore, to add day by day to our character until we reach that perfection in Christ Jesus our Lord. Amen.

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

WITHDRAWAL OF PAPERS.

Mr. GREEN of Iowa, by unanimous consent, was given leave to withdraw from the files papers relating to bill H. R. 22346, the same not having been acted upon by the committee to which it was referred.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 25069, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read 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 question is on the pending amendment offered by the gentleman from Georgia last night, which the Clerk will report.

The Clerk read as follows:

Amend, line 6, page 112, by striking out "\$75,000" and inserting in lieu thereof "\$179,900."

Mr. HOWARD. Mr. Chairman, last night at the adjournment I introduced this amendment to strike out, in line 6, page 112, "\$75,000" and insert in lieu thereof "\$179,900." The situation, Mr. Chairman, is this—and I have no criticism to make of the Committee on Appropriations for cutting this appropriation to \$75,000, because in the year 1910-11 the appropriation was for the identical sum that is carried in this particular bill. But on June 30, 1911, this prison had to its credit the sum of \$171,449.05. During the current year from 1911 and 1912 up to the present time the Federal prison in Atlanta had expended \$226,449 in construction, and at this time they have a balance on hand amounting to \$20,000.

Now, Mr. Chairman, every gentleman on the floor of this House is interested in this appropriation, because every Member has constituents either in Atlanta or at Leavenworth, and when we are legislating for this prison you are legislating for your own constituents.

Mr. SIMS. Desirable citizens? [Laughter.]

Mr. HOWARD. The result is that if this appropriation remains at \$75,000 it will be impossible to carry out the provisions of this particular section, because it says that this amount of money "shall become immediately available 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."

Now, the result of this particular amount being carried, and no additional amount, the prisoners at Atlanta could not be worked up to their full capacity for a period longer than four months. I have a statement from the warden and from the Department of Justice. The Attorney General just a few days ago wrote me this letter. Now, this is a matter of importance to the department, and I do not know as much about it as they do, but the Attorney General says under date of June 5, 1912:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 5, 1912.

Hon. WILLIAM S. HOWARD,
House of Representatives.

MY DEAR MR. HOWARD: You are very familiar with the condition of things at the Atlanta Penitentiary and the needs of pushing the construction of the new buildings there. We estimated for the next year's work for continuing that construction \$179,900; in the sundry civil bill as just reported (p. 112, line 6) that estimate has been reduced to \$75,000.

I would be very much obliged for such assistance as you might give in bringing about an increase of that amount. You will find in the printed hearings before the subcommittee of the Appropriations Committee in charge of the sundry civil bill, part 2, pages 1448 to 1452, the statement made by the assistant superintendent of prisons as to the needs of construction for the next year.

Faithfully, yours,

GEO. W. WICKERSHAM,
Attorney General.

Now, here are the actual necessities at this prison. The estimate included \$61,000 for general construction, which is needed for the purchase of all necessary materials for supervision not otherwise specifically provided for in other items; \$4,500 for lumber and other materials for finishing the building and approaches thereto—the hospital building, which is very much needed at Atlanta. This work ought to be pushed to conclusion as rapidly as possible because of the fact that when the estimates were made for 1913 they only had 600 prisoners at Atlanta, and now we have 946 prisoners there, or the daily average of 835, and the hospital is very much needed. The estimate for that building is \$28,900.

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

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

The CHAIRMAN. The gentleman asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. HOWARD. That includes all materials necessary for constructing the building, but does not include the amount necessary for furnishing it. At Atlanta they are very much in need of a laundry building. The estimate for that is \$20,000. That is a new building, and the amount of the estimate is for material for carrying forward its construction during the coming fiscal year. The residence of the deputy warden is estimated for at \$7,000. The construction of that has been commenced. This is for materials and civilian labor for building the deputy warden's residence.

Additions to the power house. The power house was constructed in 1897. They want new boilers, and they need new machinery. It is absolutely essential for the work that is being done at that prison. That is estimated at \$45,000. The warden and the Attorney General say that the present power house is inadequate now for the needs of the prison, and they estimate for the cost of installing new boilers and machinery.

Prison dining room, \$1,500. The floor there, by the continual use of the prisoners going into their meals and going out, has been worn very much. It is rough and accumulates dirt very rapidly. They need \$1,500 for a new floor in the dining room, and that ought to be immediately available. This is to cover the cost of materials for installing a new floor in the dining room. This new floor is absolutely necessary for the health of the prisoners.

This makes an aggregate of \$199,900, from which may be deducted \$20,000, the available balance on hand at this time. The estimate was submitted, leaving the total necessary appropriation of \$179,900. This estimate does not include \$61,000 and \$64,000 for installing cell fronts and cell plumbing in the new cell blocks.

Mr. Chairman, I do not think that this committee really realizes the importance of making this appropriation available at once. The Atlanta Federal Prison—and I am also informed the same is true of Fort Leavenworth—is, I suppose, the most model prison in the world. The work that is being done by the warden in Atlanta is of the most commendable character. It is really a prison in which the spirit of the law in administering punishment to a man for infraction of the law is being carried out—that is, imprisonment and punishment for the sole purpose of reformation. There are over 30 men in that prison who have life terms to serve, and in 17 years those men have not had even a reprimand for an infraction of the least rule in that prison. The whole system inaugurated by the warden in At-

lanta is modern. It is up to date, and he has proven himself to have unusual executive ability, a wonderful control over men, great sympathy for the unfortunate, and we hope that the work of carrying on the construction of this prison in Atlanta will not be retarded by the failure of this committee at this time to make sufficient appropriation for the work to be continued.

I know, as a matter of fact, that the Committee on Appropriations, having a multiplicity of items before them in making up an appropriation bill, can not give to every item thorough consideration, and it is a wonder to me that they do not have more complaints registered by Members as to the amount of appropriations than they do. But I feel they have made this time too small an appropriation for Atlanta. I hope that the gentlemen on the floor and in the committee will vote to give us \$179,900. We need it.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. FITZGERALD. Mr. Chairman, the gentleman is very much mistaken when he says that the committee does not have information about this item.

Mr. HOWARD. Mr. Chairman, I beg the gentleman's pardon. I did not make that statement. I complimented the committee on making so few mistakes, and I said I thought this was one of them.

Mr. FITZGERALD. Let me say what I desire to say. I said the gentleman is mistaken when he states that we did not have information about these matters. Here was a prison estimated to cost \$500,000. There has been expended upon it already the sum of \$1,440,000. A firm of architects, under the same kind of contract that was discussed last evening, has received altogether on account of this work \$95,203.18. The building of these two prisons at Atlanta and Leavenworth are two of the most interesting governmental enterprises that have ever been undertaken.

Mr. HOWARD. Will the gentleman yield for a minute there, in respect to the architects?

Mr. FITZGERALD. Oh, the gentleman is not interested in the architects.

Mr. HOWARD. I just wanted to ask the gentleman if he did not think that because the architects had gotten these enormous sums of the money instead of its going into the buildings we ought now to have some which we can put into the buildings?

Mr. FITZGERALD. Will not the gentleman permit me to proceed? He has had all the time he wished. The history of these two enterprises is very interesting. They were designed to accommodate at first certain military prisoners. They have been changed and enlarged until over \$3,000,000 had been expended upon the two prisons, and nobody has yet been able to determine when they are likely to be completed or what the total expenditure upon them is likely to be.

The reason for the change from one prison to another was the necessity of providing the convicts at these prisons with some sort of work to keep them occupied. It was believed by keeping these prisons under construction at such a rate as would enable the convict labor to be utilized to the largest possible extent that not only could the prisons be completed within some reasonable degree of cost, but that thereby one of the very difficult problems in prison management would be solved. The Attorney General, apparently, has an entirely different notion. He seems to imagine that it is necessary to complete these buildings with a great rush, to finish them as quickly as possible, and after that is done we will be confronted with one of the most troublesome problems that occurs in prison management, and that is to find some means of keeping occupied the prisoners. In the year 1912 the appropriation was \$75,000; it was \$75,000 in 1911; it was \$100,000 in the years 1908, 1909, and 1910; it was \$80,000 in 1907; \$50,000 in 1906; \$200,000 in 1905; \$60,000 in 1904; \$100,000 in 1903. In this bill there is carried \$500,000 to enable the Attorney General to care for the convicts of the United States in State prisons and penitentiaries, in so far as there are insufficient accommodations in the Federal penitentiaries. There is no necessity for crowding these prisoners in these two prisons. The intention of the law is not that they should be crowded, and ample means are given to the Department of Justice to properly care for all the convicts of the United States that have to be cared for. It would be unwise, in my opinion, to attempt this work at the speed which the Attorney General now desires. I hope the amendment will not be agreed to.

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

The question was taken, and the Chair announced that the yeas seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 8, noes 22.

So the amendment was rejected.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "penitentiary," in line 9, page 112, add the following: "Provided, That of the appropriation of \$75,000 herein made not exceeding \$3,500 shall be paid as compensation for the services of an architect or architects."

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. BEALL of Texas) there were—yeas 24, yeas none.

So the amendment was adopted.

The Clerk read as follows:

(1) Miscellaneous objects, Department of Justice.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding, after line 13, page 112, the following: "Provided, That no part of any appropriation made under this act for the following purposes, namely, conduct of customs cases; defending suits in claims against the United States; detection and prosecution of crimes; enforcement of antitrust laws; suits to set aside conveyances of allotted land, Five Civilized Tribes; enforcement of acts to regulate commerce; for payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases; and for payment of such miscellaneous expenditures as may be authorized by the Attorney General in United States courts and their officers shall be used for the payment of any salary, fee, compensation, or allowance in any form whatever to any person who holds any other office, place, position, or appointment under the United States Government, or any department thereof, or who within two years next preceding the date of his appointment, designation, or employment has held any other office, place, position, or appointment under the United States Government or any department thereof."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALL of Texas. Mr. Chairman, I do not think it is subject to the point of order. It is clearly a limitation on the appropriation. Mr. Chairman, in my judgment there are certain abuses which have arisen in connection with the expenditure of these various lump-sum appropriations, and this amendment is intended to correct these abuses and these evils. It is aimed at two practices that prevail to a greater or less degree in the Department of Justice. The one is taking a district attorney or an assistant district attorney who was already drawing a salary from the Government and designating him as a special assistant to the Attorney General, perhaps taking him out of his district and out of his State and giving him large compensation for this additional service. Let me call the attention of the committee to one instance in which that has occurred, and while, perhaps, it is the most flagrant case, yet it typifies the practice that is prevailing.

Marion Erwin for many years was district attorney for the southern district of Georgia. As district attorney of that district he received a salary of \$3,500 per year. In 1901 he was appointed special assistant to the Attorney General and given charge of the prosecution of the litigation against Carter, Greene, Gaynor, and others. That employment as special assistant to the Attorney General carried with it a salary of \$5,000 per annum, and in addition to that a commission of, I believe, 10 per cent upon the net amounts that might be recovered as a result of that litigation. That employment began in 1901. Mr. Erwin continued to be district attorney for the southern district of Georgia until about April, 1912, and during all that time continued his connection as a special assistant to the Attorney General at the salary that I have named.

Mr. SIMS. And collected both salaries?

Mr. BEALL of Texas. And collected both salaries.

Mr. SIMS. His regular salary as district attorney?

Mr. BEALL of Texas. His regular salary as district attorney of \$3,500 a year and this additional salary of \$5,000 a year. During most of that time, I think I am justified in saying, the duties of his position as special assistant to the Attorney General required his presence in other places than the district in which he was district attorney.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Texas have five minutes additional.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BEALL of Texas. Mr. Chairman, his salary as district attorney for the 11 years amounted to nearly \$40,000. His salary as special assistant to the Attorney General for 11 years amounted to \$55,000. In addition, he was paid \$2,500 for services antedating his regular appointment and was given a large allowance for expenses, and, in addition to that, a commission upon the total collections made by him in the Greene and Gaynor

cases. Mr. Erwin received a total of \$100,602 cash up to June last year out of the Greene and Gaynor cases, and about \$40,000 for his services as district attorney for the southern district of Georgia.

Mr. SIMS. How much of that sum was commission?

Mr. BEALL of Texas. I can not tell the gentleman the precise sum, but at that time the commissions paid him were about \$25,000.

Mr. SIMS. I thought possibly you had it right there.

Mr. BURLESON. Can the gentleman give us the aggregate salary he received during the 11 years, including his special compensation and the commissions?

Mr. BEALL of Texas. In addition to the amount of \$100,602 just named he had received the salary of \$3,500 per annum, and estimated that about \$20,000 would be due him when certain other property had been disposed of. His employment as special assistant still continues and that of district attorney until about April of this year. For the 11 years' service his total payments will probably exceed \$150,000. And while we are on the Greene and Gaynor cases let me call the attention of the Committee to another thing. One Edward I. Johnson was a bank examiner at the time the Greene and Gaynor cases came to the front. He was employed by the Department of Justice as a special accountant at \$20 a day and expenses, beginning in 1901. That employment continued at that rate until about 1908, when his allowance was increased to \$25 a day and expenses. Of course, I have no desire to reflect upon the services of Mr. Johnson. In all probability they were extremely valuable. The record discloses the fact that he was an unusually industrious and diligent man, because during those many years he worked practically all the Sabbath Days. The Fourth of July found him at work. Thanksgiving Day he labored; he did not observe Christmas Day always or all of the other numerous holidays that Government employees usually observe and respect. Incidentally it might be said that on these holidays when he worked he received his usual allowance of \$20 a day and expenses and, later, \$25 a day and expenses.

Mr. PUJO. Will the gentleman from Texas yield for a question?

Mr. BEALL of Texas. With pleasure.

Mr. PUJO. I desire to call the gentleman's attention to section 1763 of the Revised Statutes of the United States, which reads as follows:

No person who holds an office the salary or annual compensation attached to which amounts to the sum of \$2,500 shall receive compensation for discharging the duties of any other office unless expressly authorized by law.

And I would like to ask the gentleman whether or not the employment of these gentlemen in other capacities was in his judgment or not a violation of the section just read from the Revised Statutes of the United States?

The CHAIRMAN. The time of the gentleman from Texas [Mr. BEALL] has expired.

Mr. BEALL of Texas. Mr. Chairman, if it does not trespass too much on the indulgence of the committee, I would like another five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for five minutes longer. Is there objection?

There was no objection.

Mr. BEALL of Texas. I will state to the gentleman from Louisiana [Mr. PUJO] that it was undoubtedly the intention of Congress when it enacted that statute to prevent just such occurrences as we have witnessed in the Erwin case and in a number of other cases. But between the Supreme Court of the United States and the Comptroller of the Treasury what appears to me to be the plain meaning of the statute has been construed away, because they have held that these other appointments did not constitute the appointee's offices, and they held that the law applied only to prevent the holding at the same time by any one individual of two offices and that the appointment as special assistant to the Attorney General was not an office in the meaning of the statute.

Mr. SIMS. Mr. Chairman, may I ask the gentleman a question?

Mr. BEALL of Texas. Certainly.

Mr. SIMS. What does the gentleman think of the practice of permitting an officer of the law, whose duties are specified, to resign that position and then afterwards to be employed to do the same service at a greatly increased salary?

Mr. BEALL of Texas. I am coming to that proposition. While I am on the Johnson case, I will state that Mr. Johnson received at the time these figures were given, about the middle of last year, for his services in connection with the Greene and Gaynor cases and expenses \$126,140.94, and so far as I am advised, the employment of Mr. Johnson in the Greene and Carter cases still continues.

Now, gentlemen, I do not want to have any misunderstanding. I am not seeking to convey the idea that these men have not rendered valuable service. It was an extremely difficult case, and so far as I can judge from the record, these men have prosecuted this case with great diligence and with a considerable degree of success.

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

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

Mr. BEALL of Texas. I yield to the gentleman from Illinois.

Mr. CANNON. How many years did this litigation run?

Mr. BEALL of Texas. It has continued from about the year 1901 up to the present time.

Mr. CANNON. And it involved litigation in the United States and in Canada, did it not?

Mr. BEALL of Texas. Yes.

Mr. CANNON. About what was the recovery, finally?

Mr. BEALL of Texas. Well, up to June last there had been recovered in cash \$273,372.85. In addition to that, certain property and securities were recovered, the total estimated value thereof being \$493,963.90.

Mr. CANNON. And the parties were convicted, were they not?

Mr. BEALL of Texas. Yes. Carter was convicted by court-martial and Greene and Gaynor by the courts.

Mr. CANNON. I know nothing about the case, except that the newspapers were full of it.

Mr. BEALL of Texas. It was a very celebrated case, and I do not doubt but that these officials used their utmost exertions not only to vindicate the law by convicting the violators of it, but also to make recovery in behalf of the United States. The total expenses of the Carter, Greene, and Gaynor cases up to the time this tabulation was made amounted to \$381,337.01. The estimated value of the recoveries was \$493,963.90.

But that is getting off, Mr. Chairman, from the latter part of the amendment. The latter part of the amendment is intended to correct another abuse that I think is more flagrant and more unjustifiable than the one to which I called your attention, and that is the practice of men holding positions, such as district attorneys or assistant district attorneys, after it has been developed through their offices or otherwise that the Government has a sufficient basis for a prosecution in some particular case, resigning their positions as district attorneys or as assistant district attorneys, with the salaries that are attached to those positions, and then being immediately reemployed by the Department of Justice to perform the very work that they would have been under obligation to perform had they retained their official positions.

Let me call your attention to some of these cases: Some years ago Mr. McReynolds was serving the Government in some capacity at a salary of \$5,000 per annum. On the 1st day of January, 1907, he resigned. On the 1st day of February, 1907, he was reemployed by the Department of Justice at a salary of \$16,000 and rendered the same character of service to the Government that he was rendering under his appointment at \$5,000 per year.

Mr. Stimson was district attorney of the southern district of New York at a salary of \$10,000 per year when the sugar-fraud cases came to the surface. Mr. Stimson resigned his position as district attorney of the southern district of New York and was immediately appointed as a special assistant to the Attorney General. Had he remained district attorney for the southern district of New York it would have been his duty as an official to have performed the very service for the Government that he did perform as a special assistant to the Attorney General. Now, I am willing to assume that the service he rendered was an efficient service, and that it brought substantial returns to the Government of the United States.

Mr. CLINE. What was his salary?

Mr. BEALL of Texas. As district attorney his salary was \$10,000 a year. As a special assistant to the Attorney General in prosecuting the sugar-fraud inquiries he received \$83,000, of which \$60,000 was a fee and \$14,000 his expenses.

Mr. SIMS. Covering what time?

Mr. BEALL of Texas. Covering probably a year or a year and a half of actual and active service in the prosecution of those cases.

Mr. SIMS. What position does he now occupy?

Mr. BEALL of Texas. Mr. Stimson is now Secretary of War under the present administration, and he was appointed this special assistant to the Attorney General by the present Attorney General of the United States.

Now, Mr. Chairman, I think the most flagrant case is yet to be mentioned. Mr. Winfred T. Denison was assistant to the district attorney for the southern district of New York, Mr.

Stimson. As such assistant he received a salary of \$4,000 a year, I believe.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask unanimous consent that the gentleman from Texas have five minutes more.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. BEALL of Texas. On March 27, 1909, Mr. Denison resigned as assistant to the district attorney for the southern district of New York. On March 29, 1909, he was appointed special assistant to the Attorney General, his compensation to be determined by the Attorney General on the completion of service, to assist in conducting investigations into the sugar frauds and prosecutions which might result therefrom in the southern district of New York, eastern district of New York, and New Jersey, with authority to conduct grand-jury proceedings, the very character of service that he would have been obligated to perform as assistant to the district attorney of the southern district of New York, and his salary as assistant district attorney was \$4,000 a year.

On January 28, 1910, Mr. Denison was appointed Assistant Attorney General at a salary of \$5,000 per annum. Between these dates, in March, 1909, and January, 1910, Mr. Denison performed services for which he received the sum of \$28,750, together with his expenses, which were small. In other words, he resigned a place paying him \$4,000 a year, was immediately appointed to do the very work that he could have done as assistant to the district attorney [Mr. Stimson], who had also resigned to be reemployed, and for that work of about 10 months received \$28,000 compensation, and upon the completion of that service returned to the service of the Government at the annual salary of \$5,000. Now, I think that presents a condition that requires correction at the hands of Congress, and I offer the amendment, which I trust will be adopted. [Applause.]

Mr. MANN. Mr. Chairman, as I remarked yesterday, the charge for professional services usually seems high to those who do not render the service; but the gentleman only half states the case. I have not personally practiced law very much since I became a Member of Congress, but my junior partner has a very large portion of his time been engaged in the practice of the law on the basis of \$100 a day, with extra pay for extra time occupied for long hours of day or evening work. Now, that does not mean that he only renders his services, and it does not mean in these cases that the gentlemen referred to by the gentleman from Texas simply gave their own services. It means that the services of a law office with its clerks, its stenographers, its experts looking up the law, its experts examining into the evidence, from that law office, are brought into play.

Very often there are additional charges for certain work, but in the general class of work the office renders certain services. That is the case with all large firms in every great city. The individual member of the law firm, paid at rather a high rate, does not intend to look into all the details either of the law or the facts in the first instance. I have known my junior partner to keep three stenographers and a number of clerks busy day after day under his supervision with the work which he was doing in court and for which he was paid. Doubtless that is the way in all these cases.

Let us see what the effect of the gentleman's amendment would be. Take the Greene and Gaynor case, a very celebrated case. The main work which was done in that case was not in the recovery which the gentleman refers to, but in the prosecution which resulted in conviction, and which added a great deal to the moral effect of honesty in public life. In that case the district attorney became involved and interested in the prosecution of the case. No reasonable man would expect a district attorney in Georgia to continue the prosecution of that case with the diligence which he ought to use, for the ordinary district attorney's salary. One of two things would be necessary, either that they should engage other counsel in his place or else should pay him in some way additional compensation.

Now, the gentleman proposes by his amendment to insert a provision by which he could not be paid additional pay while he was district attorney, and if he resigned he could not be retained in the case at all. It is an unreasonable proposition, and the district attorney there or anywhere else, engaged in a case of that kind which requires work both night and day and Sunday and holidays, should be allowed extra compensation. The district attorney would not have remained in the case unless he could be paid for extra work performed, if he is the ordinary district attorney or lawyer. No lawyer of ability can afford to give the gray matter in his brain in a great case,

constantly working at all hours in the day, year after year, perhaps, on the basis of \$3,500 a year. Nor can the Government expect to obtain the best results by such a course.

A portion of the Greene and Gaynor case was tried in Chicago. The gentlemen on the other side had engaged the best counsel which they could procure. The Government was entitled to have the services of just as eminent counsel and to pay a reasonable sum for those services. The final result in that case justified, in my judgment, what the Government did. But even if the prosecution had not been successful the Government still ought to have had the services of able counsel.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BEALL of Texas. I call the gentleman's attention to the fact that, in addition to the services of Mr. Johnson and Mr. Erwin, the Government paid about \$84,000, according to a hasty calculation I have made, for services of other persons, and some of these services, I have no doubt, were rendered in the case at Chicago.

Mr. MANN. Certainly; the man who has charge of a great litigation has to have the services of other lawyers in connection with himself. With half a dozen lawyers representing the other side of the case no lawyer of standing will go into court on a great case and rely solely on his own work and his own ideas and his own judgment in the trying of a lawsuit.

Mr. BEALL of Texas. I want to put a specific case to the gentleman. Does the gentleman believe that it is good public policy—take the condition as it existed with respect to Mr. Erwin—to hold the office of district attorney from 1901 to 1911, and still accept and enjoy this employment, which necessarily carried him out of his district and interfered with the performance of his duties there?

Mr. MANN. I believe that Mr. Erwin, in the work which he did in connection with the case, was entitled to reasonable compensation, and the amount that was paid him was not more than a reasonable compensation. As to whether the district attorney should be paid extra services, instead of resigning the services of the Government, depends upon the facts of each particular case. In this case I think it was far better for the Government to have him retain his office of district attorney and to pay him the extra services, instead of employing outside counsel entirely at a far higher rate of pay.

Mr. BEALL of Texas. My criticism of Mr. Erwin is that he accepted employment in the Green and Gaynor cases, and continued in that service for so many years without resigning his office of district attorney.

Mr. MANN. Whether he neglected any of the work as district attorney, I do not know. The gentleman does not claim that he did. If he had resigned, under the gentleman's amendment he could not have been retained by the Government in charge of this prosecution.

Mr. SIMS. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. MANN. Certainly.

Mr. SIMS. Like the gentleman, I prefer to do as Mr. Erwin did, but are we not all serving for something beside the mere dollar-and-cents compensation while in office? Should not the district attorney have pride of position and patriotism and love of achievement in mind, and not merely the cold dollars that he gets out of it?

Mr. MANN. A district attorney or any other Government official except Members of Congress is employed upon the basis that he works about so long in the day, and is not expected to do extra work which comes with the management of a great lawsuit. There is no design that he should. Of course we are supposed here to work about 16 hours a day, but we pay ourselves fairly well for it after all. The gentleman refers to the New York case. Of course I do not have the facts except as the gentleman states them, but I have no doubt that in that case the man who resigned in the district attorney's office and was retained, probably upon a per diem basis, did a great deal of work for the Government which in fact was performed by clerks under him whom he privately paid.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman that in addition to the salary he was paid \$14,000 for expenses. While I am on my feet I would like to ask the gentleman if he approves the practice of a district attorney developing some great case like the sugar case and then resigning his position as a district attorney and immediately accepting employment at a very greatly increased compensation, or resigning the position of assistant district attorney, with a salary of \$4,000 a year, in order to immediately accept a position that paid him \$28,000 in just a few months, and then returning to the service of the same Government at a salary of

\$5,000 a year? I would like to know if the gentleman approves that sort of practice.

Mr. MANN. It depends on the particular case. When the Government has in its employ in the district attorney's office some one who learns the facts and gets the run of a lawsuit which will never be tried in the ordinary course by the district attorney's office, and it is believed the man has the capacity to do that, I do approve of letting him resign from the district attorney's office to take charge of the case, instead of doing what they used to do and what would otherwise be done, namely, employ outside counsel altogether.

It is a familiar fact with every lawyer's office that frequently when a lawyer's office gets control of a big case the lawyers of that office do not try the case, or else one of them disassociates himself entirely from the law work in the office to devote his attention to the particular case. I have known lawyers connected with a law firm who did not go to the office of the law firm—that is, the regular office—for more than a year, because, taking hold of a particular piece of litigation, they organized an outside office for that purpose and gave no attention at all to the ordinary business of the law office. Let us take the case which, I presume, has occurred to the gentleman's mind, though it has not been mentioned, of the distinguished gentleman from Tennessee, who has recently been employed in the Steel Trust investigation. I do not undertake to say whether Mr. Dickinson should have resigned as Secretary of War and should thereafter have been appointed in charge of the Government's case against the Steel Trust, and yet, when it is perfectly patent that somebody would have to be employed, if the executive authorities believed that Mr. Dickinson was the man to be employed, I can see no reason for not employing him and no reason for paying him less than would be paid to other competent counsel.

Mr. SIMS. Mr. Chairman, as a Tennessean I feel proud of Mr. Dickinson, but at the same time I want to say to the gentleman that if, when a member of the Cabinet, he resigned with an understanding at the time that he was to receive a more lucrative appointment, it is something that ought to be severely condemned. But I do not believe that such were the facts in that case. However, that case is not upon a parallel with the case of the present Secretary of War, who was in office on a salary as district attorney of \$10,000 a year, and who resigned that office and was immediately employed to do just what he would have done as district attorney for a period of one year, during which time he was paid about \$70,000, and then after that special service expired accepted a \$12,000 seat in the Cabinet.

Mr. MANN. However that may be, I know this, that you can not try these great lawsuits in the great cities of the country upon the basis which used to obtain in trying a lawsuit as it is tried in a small country town. You have got to meet the great lawyers of the country in the lawsuits, and the Government ought to meet them with competent counsel.

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

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending amendment close in 10 minutes.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection, and it was so ordered.

Mr. SAUNDERS. Mr. Chairman, this debate has illustrated the fact that there is no condition of things however scandalous, that will not find a defender. The material brought to our attention by the gentleman from Texas [Mr. BEALL] discloses a most anomalous and outrageous state of affairs in the administration of one department of our Government. It has been suggested in the course of this argument that a Government employee, such as a district attorney who had been appointed to the Government service with the idea that he will discharge whatever duties may properly attach to his office, is under no obligation to afford his best service in the conduct of a case of unusual difficulty, unless he is afforded additional compensation, so as to make his total allowance commensurate with the fees of the high-priced counsel to whom he may be opposed. This is as much as to say that a soldier who is confronted for the first time with a service of real danger, is justified in refusing to go forward against the enemy unless his pay is then and there advanced. Mr. Chairman, such a doctrine is a reflection upon every Government official in the United States, and if there is any district attorney, or other prosecuting officer who holds to such a view, and claims that with respect to any prosecution of unusual difficulty arising within his district, or fairly appertaining to his discharge of duty, he is under no obligation to render the best service of which he is capable, without thought of additional compensation or regard for the fees of

opposing counsel, then such an official is an unworthy member of the prosecuting branch, and should be dismissed from the Government service. [Applause.]

Such an attitude can not be too strongly condemned as vicious per se, and demoralizing in the extreme. Permit me to give an illustration on this line. In the State of Virginia, from which I come, the attorneys for the Commonwealth prosecute every form of crime. They receive from the State a fee of \$10 in a case of felony, and an allowance from the county of from \$300 to \$1,000 a year.

In many counties the allowance is not as much as \$500, and I know of no county in which the allowance is more than \$1,000. Yet the very best lawyers in my State are in many cases prosecuting attorneys. Not infrequently they are opposed in felony trials by counsel of the very highest ability who will receive anywhere from \$1,000 to \$2,500 for their services. It is news indeed to me that in these, or any other prosecutions, the State is not entitled to expect the highest service of which her prosecutors are capable, unless they are afforded a supplementary allowance for the particular case, so as to make his fees measurably equal to those of opposing counsel. As yet we have not reached that attitude, or come to regard the duty of our prosecuting officials from that point of view. Having taken the offices with full knowledge of the compensation attached, these officials prosecute all cases alike, and when opposed by high-priced counsel of exceptional ability, they regard the circumstances as a challenge for the utmost exercise of their powers, rather than an occasion for a demand for additional compensation. I have in mind one Commonwealth's attorney who was promoted from that position to be a judge of the supreme court of my State.

During a long term of office, he rendered services of the highest quality, and prosecuted many of the most important criminal cases in the State of Virginia, for the supposedly pitiful and inadequate compensation I have mentioned. When an attorney is appointed one of the district attorneys of the United States, he is expected to prosecute all the cases arising within his district, whatever their kind, or quality, may be and without regard to the number, mental quality, or caliber of the counsel who may be opposed to him. If it is considered in respect of some particular case that the district attorney ought to give all of his time to it for any considerable proportion of his term, it would be far better and more desirable in every way, including the detail of economy, for the Government to give him an additional assistant at the salary that goes with that appointment, and permit the regularly appointed district attorney to devote himself to the particular subject, or case requiring his undivided attention.

The illustrations that have been furnished by the gentleman from Texas show, as I have said, a most scandalous, outrageous, and I might almost say, disgraceful condition of affairs in connection with official prosecutions by this Government. I am astonished that there could be found anywhere in the United States a district attorney who having been appointed upon the theory that his whole time and his highest service to the fullest capacity of his intellectual make-up should be rendered to the Government which for the time being, is his client, should disregard the plain call of duty, and when confronted with some case of unusual difficulty, should be languid, or indifferent in the discharge of that duty, until his interest is quickened, and his energies stimulated by additional compensation so manipulated and afforded by indirection that in the result it is measurably equal to the fees of counsel for the adversary interest.

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

Mr. SAUNDERS. I for one will never admit that such an attitude is a proper one, or that there has been any justification in reason or propriety for the course that has been pursued by the Department of Justice in the cases which have been called to our attention by the gentleman from Texas. [Applause.]

Mr. FITZGERALD. Mr. Chairman, the Committee on Appropriations went very extensively into this matter. Gentlemen will find in the hearings 10 pages of printed matter in which these cases are given. I have never criticized the extent of fees paid in some of these cases. They are very difficult and involved cases, requiring the services of the most eminent lawyers in the United States, who practice law in places where the remuneration is very high and where, if it be necessary for the Government to obtain services of such men, no criticism can be indulged in for the payment to them of the ordinary compensation that would be paid by private individuals. The practice against which the gentleman from Texas [Mr. BEALL] complains is a practice which I believe deserves severe condemnation. I do not agree with the gentleman from Illinois [Mr. MANN] that after a man has been employed as a public servant and in the performance of his duty obtains information of

peculiar advantage to the Government he is then justified in resigning from his position and practically blackjacking the Government into employing him at a much larger compensation.

Let me call attention to a case not mentioned by the gentleman from Texas:

Townsend, Burdette D.: Assistant United States attorney, North Dakota, August 12, 1904, \$1,200; resigned May 31, 1908.

Special assistant attorney, Oregon, September 26, 1907, case against Southern Pacific Railway Co., re land grants, etc. No additional compensation, but to be allowed expenses and \$6 per day in lieu of subsistence.

Special assistant attorney, Oregon, December 24, 1907, being amendment of appointment of September 26, 1907, to the extent that compensation will be determined.

Special assistant attorney, Oregon, June 1, 1908, \$4,500 and expenses. Special assistant to Attorney General, June 8, 1910, coal-land cases in Colorado, etc.; compensation to be determined.

Special assistant to Attorney General, Oregon and California land-grant suits, June 16, 1910; until July 1, 1910, compensation to be at rate of \$4,500 per annum; after July 1, 1910, to receive \$450 per month on account and final compensation to be determined. Appointment extended from time to time to cover other public-land cases, etc. Still in service.

Compensation, \$31,775.

Here was an attorney who was glad to be an assistant to the United States district attorney, at \$1,200 a year for four years, and then by the favor of some high official he is given special appointments which net him in excess of \$8,000 a year during the next four years.

The New York cases I have discussed on other occasions. I do not believe that what was done there can be justified. Here were two gentlemen occupying official positions, and they did what they were justified in doing. They announced that at a certain time they could not accept reappointments, and that it was imperative that they retire from public service in order to practice their profession. That, owing to conditions, they were under obligations to their families and themselves to retire from public service and to practice law privately. So they retired, but they were immediately retained in the cases upon which they had been engaged, and after a year one gentleman received \$69,000 and the other \$28,000 for their services. The unfortunate part of the situation is this: One of these gentlemen who resigned immediately upon the completion of the special work accepted a position at \$5,000 a year in the Government service. One gentleman, who asserted that it was absolutely essential that he should quit public life and devote himself to the accumulation of money for his family, became a candidate for high public office in New York State, in which, if he had been successful, he would have had placed upon him financial burdens greater than ever. Having failed in that contest, he accepted a position in the President's Cabinet at \$12,000 a year, with burdens which are largely in excess of any that could possibly have fallen upon him in the other position. Of course the unusual distinction of occupying either office might impel sacrifices that otherwise would not be made and perhaps accounts for this action.

Something should be done, however, in my opinion, to reform what I believe to be a grievous abuse. If this amendment will accomplish that result, I shall be glad to see the amendment adopted.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired. The question is on the amendment of the gentleman from Texas [Mr. BEALL].

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

Mr. MANN. Mr. Chairman, I notice the amendment commences with "Provided," so and so.

Mr. BEALL of Texas. I intended it as a limitation on those appropriations.

Mr. MANN. It is not a proviso, and it is not required to commence with a proviso in order to be a limitation. I suggest to the gentleman to strike out the proviso.

Mr. BEALL of Texas. It is entirely agreeable to me, Mr. Chairman.

The CHAIRMAN. Without objection, the correction will be made.

Mr. MANN. If the Chair understands, the motion is to strike out the proviso.

Mr. BEALL of Texas. I ask that it be simply inserted as a new paragraph.

The CHAIRMAN. The motion is to strike out the word "Provided," and insert that which follows as a new paragraph. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I ask to return to page 34, under the Bureau of Engraving and Printing. A point of order was pending against the provision.

The CHAIRMAN. Beginning on line 12?

Mr. HUGHES of New Jersey. Yes; beginning on line 12. I reserved a point of order against it, and I now make the point of order, Mr. Chairman, if there is no objection to returning,

and ask for a ruling. I do not think it will be contended that it is not subject to a point of order. It is clearly a change of existing law. First, I want to get unanimous consent to return to page 34.

The CHAIRMAN. We have already returned to page 34 for the purpose of considering the point of order.

Mr. HUGHES of New Jersey. Then, Mr. Chairman, I make the point of order which I reserved on the paragraph, beginning on line 12, page 34. The point of order is that the language therein contained is clearly a change of existing law, beginning with the words—

Hereafter the proviso of the act of July 1, 1898 (30 Stat. L., p. 604), directing that all bonds, notes, and checks shall be printed on hand-roller presses shall not apply to checks, the back and tints of all United States bonds, and the backs and tints of all United States paper money—

shall not apply, and so forth. I ask for a ruling.

Mr. CAMPBELL. How far down on the next page?

The CHAIRMAN. To what portion does the gentleman make the point of order?

Mr. HUGHES of New Jersey. To the whole paragraph.

Mr. CAMPBELL. Ending on line 4, page 35?

Mr. HUGHES of New Jersey. Ending with line 4, page 35. I make the point of order.

The CHAIRMAN. The Chair is of opinion that at least one part of the paragraph is subject to a point of order, and therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Miscellaneous objects, Department of Justice.

Mr. MANN. Mr. Chairman, the Clerk just read line 13. The amendment offered by the gentleman from Texas [Mr. BEALL] came in after line 13. I do not know whether the Clerk has it that way or not.

The CHAIRMAN. The Clerk will read, beginning on line 14, page 112.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, to be expended under the direction of the Attorney General, \$400,000.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, petitions and resolutions from organizations representing over 30,000 men and women of California, urging an appropriation at this session of Congress sufficient to insure the enforcement of the white-slave-traffic act of June 25, 1910, furnish evidence of the great interest manifested in my State touching the activities of the Department of Justice in this work. I have frequently conferred with the able chairman of the committee, the gentleman from New York [Mr. FITZGERALD], and consulted with the Department of Justice in relation to the amount to be carried in this bill under the head of "Detection and prosecution of crimes."

It was my purpose, in case the appropriation carried was not ample, to offer an amendment from the floor providing a sum fully adequate to carry on this important work, which so vitally concerns the welfare of the women and girls of my native State and of the entire Nation.

My correspondence with the department, however, and the statements of the chairman of this committee satisfy me that the committee has granted the amounts asked for which will permit those in charge of prosecutions under this act to continue in their efforts to wipe out this infamous traffic—a traffic which strikes at the very foundations of the home. I can not too strongly commend the committee for its action. Under the head, "Detection and prosecution of crimes," the last sundry civil bill carried an appropriation of \$350,000. Of this amount I am informed that \$75,000 was used for the prosecution of violations under this act. The present paragraph carries an appropriation of \$400,000, \$50,000 greater than the amount carried last year, all of which increase is to be used for the investigation and prosecution of white-slave cases. This will make available a total of \$125,000 for this particular work during the fiscal year ending June 30, 1913, an amount which, I am informed by Mr. Finch, is fully adequate to carry on the prosecutions under this act, and which is the full amount that the department has asked for.

I was a member of the Committee on Interstate and Foreign Commerce at the time the white-slave traffic act, the author of which is the gentleman from Illinois [Mr. MANN], then chairman of that committee, was reported, and I am proud to say

that I supported that act both in the committee and on the floor of the House, and I propose, as long as I am a Member of this body, to urge at each session appropriations ample to prosecute violations of this act in every section of the country until this terrible traffic is eradicated. [Applause.]

I will ask the Clerk to read a letter that I have received from the department signed by Mr. Finch, special commissioner, showing that this appropriation is ample for the work in the coming fiscal year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF SPECIAL COMMISSIONER FOR THE
SUPPRESSION OF THE WHITE-SLAVE TRAFFIC,
Washington, D. C., June 3, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have the honor to acknowledge receipt of your letter of the 31st ultimo, which has been referred to me by the Attorney General, regarding the additional funds needed by this department for its work in connection with the suppression of the white-slave traffic.

In reply I beg to advise you that the sum of \$50,000 is the full amount which the department is asking, in addition to the amount being expended during the present fiscal year from the appropriation detection and prosecution of crimes, for the purpose above mentioned. It is believed that our expenditures for investigation work in connection with the prosecution of violations of the white-slave traffic act during the present fiscal year will amount to approximately \$75,000, so that if the additional \$50,000 is provided \$125,000 will be available for such expenses during the fiscal year ending June 30, 1913.

As to just what sum will be needed during the coming year it would, of course, be difficult to state at the present time, and it may be that a sum considerable in excess of the amount above stated could be used to advantage. We are, of course, desirous of pushing our work for the suppression of the white-slave traffic with the utmost vigor. It has been thought, however, that we could well undertake our plans for the coming fiscal year with the sum above mentioned, and if it is found as the work progresses that an additional amount will be necessary, a deficiency appropriation might then be requested.

In this connection, I desire to say that the interest which you have taken in the matter of providing additional funds is very heartily appreciated.

Yours, very sincerely,

S. W. FINCH,
Special Commissioner.

Mr. MANN. Mr. Chairman, I think I may be pardoned for saying a word on this subject. As the author of the white-slave law, I have had my attention directed many times to its enforcement, and because of that fact have also consulted with the Attorney General and with Mr. Finch, in the Department of Justice, who had charge of the enforcement of the law. Some of the things which have been revealed, and which were beyond control by the States, are utterly unbelievable, and unless presented in a form where the information must be considered truthful, no one would suppose that conditions could exist which have been proven to be quite common. I said to the gentlemen in the Attorney General's office quite awhile ago that if they would go to the Committee on Appropriations and tell that committee some of the things which they have told me I thought there would be no difficulty in their securing all the money which that committee thought could be properly expended. Whether they did give this information to the Committee on Appropriations I am not informed; but I do believe that the committee have reported a sufficient sum of money to enforce that act properly with all the machinery that will be available during the coming fiscal year.

Mr. FITZGERALD. Mr. Chairman, a statement was made to the committee in line with what has been indicated by the gentleman from Illinois, and the committee inquired how much money could properly be used, and gave the sum that the department said could properly be used.

Mr. BARTLETT. We gave them all they asked for this purpose.

Mr. FITZGERALD. The hearing was not printed. The gentleman understands why.

Mr. MANN. Of course it could not be printed and circulated.

Mr. FITZGERALD. Everybody who heard it felt, I think, that whatever the department said it could efficiently use in this work ought to be appropriated; and as long as it was not conducting a careless or improper campaign, but was working legitimately, the committee felt that it should be given, and it has been given, the sum requested.

Mr. BARTLETT. Mr. Chairman, since the matter of the enforcement of what is known as the white-slave act is under discussion, I desire to say this: I did not agree with the gentleman from Illinois [Mr. MANN] or the other members of the Committee on Interstate and Foreign Commerce of the House, of which for many years I was a member, in the presentation of the bill which passed Congress, nor did I vote for it. Together with the gentleman from Alabama [Mr. RICHARDSON] and the gentleman from Georgia, my colleague [Mr. ADAMSON], I opposed it, not because I was not in favor of prosecuting

crimes of this sort vigorously and efficiently, but because I thought it was an unauthorized and unconstitutional exercise of power by the Congress to enact such a law. I believed then, and I am of that opinion still, that the punishment of all crimes of this character in the various States was a function that did not devolve upon the General Government, but was specifically lodged in the State governments and reserved there for all time by the Constitution and the tenth amendment to that instrument.

My opinion upon that proposition was not sustained by the House or by the Congress. It is true I found myself in the minority upon the subject, as I have often found myself upon questions of this character, but I did not hesitate even on so important legislation as this, which had behind it the influences that it had, to voice and to vote my opinion upon the subject. We are yet awaiting the final decision of the Supreme Court of the United States upon the constitutionality of this statute, because at the last term the Supreme Court granted certiorari in a number of cases to be brought before that court in which the constitutionality of this act is involved, and we are at last to have it determined.

I will not say, Mr. Chairman, that I hope the Supreme Court will sustain the constitutionality of the act, but I will not regret it if it shall be upheld, thereby enabling the courts of the country to eradicate and destroy this great evil.

I believe the duty of protecting the morals, the health, and the general welfare of the particular localities in a State is lodged with the State, and ought to remain there and be enforced by the State. I note from the hearings that there have been in the last 9 months prosecutions of 219 indictments; that there have been 135 convictions, 9 verdicts of not guilty, 12 cases nolle prossed, and there are still 63 cases pending. The total penitentiary and jail sentences amount to 241 years 6 months and 27 days.

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

Mr. BARTLETT. I should like two minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BARTLETT. These sentences are not too severe for the punishment of this crime, if it shall be determined that the Congress of the United States and the courts of the United States have the proper jurisdiction.

The States have attempted to enforce the laws and have enforced the laws. There never was any opposition on my part to this legislation except that it was founded in the conviction that the State and not Congress have the sole power to protect its communities and localities from immorality and vice. I have never come to the conclusion—and I shall be very slow to come to the conclusion—that immorality and vice are commerce within the meaning of the interstate-commerce clause of the Constitution.

I gladly approve, Mr. Chairman and gentlemen, of the efficient and prompt enforcement of this law as it now stands on the statute book. I will cheerfully vote for the full amount that the Department of Justice has asked for the enforcement of the law against that great crime and evil, and if it should require more I would give my vote for a larger sum. As long as the law is on the statute book until it shall be declared not within the power of Congress to pass it I shall vote to do all that can be done to efficiently and radically stamp out this great crime against the morals of the people. [Applause.]

The Clerk read as follows:

Traveling and miscellaneous expenses: For traveling and other miscellaneous and emergency expenses, including advances made by the disbursing clerk, authorized and approved by the Attorney General, to be expended at his discretion, the provisions of the first paragraph of section 3648, Revised Statutes, to the contrary notwithstanding, \$10,000.

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if it would not be possible in the arrangement of this bill to incorporate in a single paragraph all the appropriations that might be available for the purpose of travel. In this item there is carried \$10,000. Larger sums are used out of lump-sum appropriations for identically the same purpose. It would be much better and wiser, and I think more economical, if a separate paragraph might include all the appropriations for traveling expenses.

The same thing is true of expenses for printing done in the Department of Justice. The direct appropriation is made for printing for that department; and yet all these various lump-sum appropriations can be drawn upon, and many of them are drawn upon, for the purpose of paying the expenses connected

with the printing in that department. No Member of the House looking at this bill can form any conception as to the actual amount of expenditure that is possible for the purpose of travel, or for printing, or for perhaps some other purpose. I should like to have the opinion of the chairman as to whether or not that condition might not be corrected so that Members might know and so that the department might know just the amount that the department would be permitted to expend for each of these several items.

Mr. FITZGERALD. Mr. Chairman, it is very difficult to determine which is the better way to arrange these appropriations. At present they are arranged for the particular service, and they include all of the various matters that may be necessary to be performed in connection with that service. The Department of Justice, I believe, is the only department which is authorized to have printing done out of these appropriations in addition to the allotment for the department. It is because of the peculiar situation in the Department of Justice. In the conduct of law business of the United States it is practically impossible to make any estimate in advance as to what cases will be taken up—the extent of the briefs and matters of that character—that may be necessary to be appropriated for. Printing is authorized to be done because it is printing for that peculiar class of business covered by this item.

Travel is another item that it is difficult to appropriate for. We appropriate, for instance, \$10,000 to enable the Attorney General to conduct a certain class of cases. That includes compensation of the attorney, certain clerical services, the printing that is to be done; and if it is necessary for the attorney to travel the item is so framed as to permit the payment of the traveling expenses out of that appropriation. In that way it is possible to keep track of the cost of certain services. It prevents the grouping of all transportation items and all printing items and all items for clerical services; but the experience of the past has shown it to be the best way to enable Congress to determine the extent to which each appropriation should be made for special services. Sometimes it is difficult to tell which would be the better way, but I think the experience of the House has been that it is necessary to adopt this method of keeping track of certain incidental expenses, and no feasible method has ever been determined upon for the adoption of any other system.

Mr. BEALL of Texas. Mr. Chairman, I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BORLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5790. An act for the relief of C. E. Moore;

S. 7096. An act to increase the limit of cost of the public building at Narragansett Pier, R. I.;

S. 7015. An act to provide American registry for the steamer *Damara*;

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York;

S. 6573. An act to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; and

S. 6269. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding \$10,000 for salaries of necessary employees at the seat of government, \$200,000.

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

The Clerk read as follows:

Page 115, line 5, strike out "\$200,000" and insert "\$250,000."

Mr. CANNON. Mr. Chairman, this is an appropriation for the enforcement of the antitrust laws. Originally this appropriation was a continuing one. It is no longer a continuing one. It is an annual appropriation. In 1904 in the legislative bill the appropriation was for \$500,000. In 1908 it was for \$250,000;

in 1909, \$250,000 with a reappropriation of unexpended balances of \$100,000. The appropriations for 1911 were \$200,000 and for 1912 \$200,000. The estimate is for \$250,000.

Mr. MANN. There was a supplemental estimate of \$50,000.

Mr. CANNON. Yes. For the purpose of what I desire to say I shall read from the hearings at page 1505. Mr. Fowler represented the department, at the direction of the Attorney General. After speaking of the steel case and various other cases, he said:

Mr. FOWLER. In nearly all of those cases there is quite a number of them. Take the Lake Shore & Michigan Railroad case, about which I spoke. We did not employ special counsel in that case—it was in charge of one of our salaried attorneys, who was being paid \$4,500—but we did not hesitate to put it in his charge, because he is an able young lawyer. But on the other side was Mr. Maxwell, of Cincinnati, who is one of the ablest lawyers at the American bar, and two or three lawyers from Cleveland, Ohio—Mr. Squires, and Hoyt, Dustin & Kelly, and, I think, three or four lawyers in addition to those. There were three railroad defendants, and each railroad had its lawyers. Those are the kind of lawyers we meet in all of those cases. And if you can see your way clear I would much rather you would increase that appropriation than to reduce it.

The CHAIRMAN. We can not increase it if you do not estimate for it. Mr. FOWLER. If we had it to do over, we would ask for it, and I am asking for it now.

The CHAIRMAN. That is not the way to do it; you should estimate for it.

Mr. CANNON. Well, how much do you need?

Mr. FOWLER. I think the appropriation ought to be \$300,000.

The CHAIRMAN. Then you should have sent in such an estimate.

Mr. FOWLER. This estimate was made six months ago. At that time we did not realize what the additional expense was going to be, or that there was going to be this heavy increase in litigation.

[The time of Mr. CANNON having expired, by unanimous consent he was granted leave to continue for five minutes longer.]

Continuing from the middle of page 1506, I read the following:

Mr. CANNON. What I want to know is this: Have you several hundred thousand dollars unexpended from former appropriations or have all of the balances been covered into the Treasury?

Mr. FIELD. Those balances were all exhausted one or two years ago.

Mr. CANNON. So that everything is exhausted except for the current year?

Mr. FIELD. Yes, sir.

Mr. Chairman, there are many very important cases, and sometimes criticism has been made that ought not to have been made. Criticism has been made sometimes that some of these cases ought not to have begun, as in the case of the United Shoe Co. and various others. Without expressing any opinion, because I do not know whether these prosecutions are well founded or not, there is the law, and the department asks for \$300,000 for the enforcement of the law. The country is interested in the enforcement of the antitrust law. Much of criticism has been made in former years against nearly all of the administrations, because of the fact that these prosecutions have not been efficient. Criticism was made against the Cleveland administration, against the McKinley administration, and against the Roosevelt administration.

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

Mr. CANNON. Certainly.

Mr. BARTLETT. The gentleman recalls that in 1902 the first appropriation was made specifically for this purpose.

Mr. CANNON. Precisely, I do. But there is much of criticism that with the funds available under the appropriations this act was not enforced. I am not going to say, and it is no part of my purpose at this time to raise the question of whether the criticism was well founded or not. Political platforms of all parties have demanded the enforcement of this law. I believe it is true that the prosecutions under the present administration have been more frequent and greater success has attended them than at all times heretofore since the enactment of the law. Instead of giving \$300,000, which was \$50,000 over the regular estimate that was submitted, the committee proposes to give and recommends \$200,000, which is \$50,000 less than the estimate, less than the amount which the department says is absolutely required. This amendment is to increase this \$50,000, to bring it up to the amount of the estimate.

Mr. BARTLETT. Mr. Chairman, it may be well to recall the history of this specific appropriation for the enforcement of the antitrust law. For years we had in the Republican platform and otherwise a declaration that the Republican Party was in favor of the vigorous enforcement of what is known as the Sherman antitrust law, but very little fulfillment of the promise contained in the platform. No very serious effort was made for years to enforce the law. The first effort was made when Attorney General Harmon proceeded against the Trans-Missouri Association and the Freight Traffic Association and the Addystone Pipe Co. For years the law slumbered upon the statute books. In 1901 the President of the United States sent to this Congress a message in which he specifically requested that funds be appropriated specifically for the enforcement of that law. The Republican Party was

then in power in this House and in the Senate and in all the branches of the Government, yet it took no steps to answer that demand of the President and appropriate the funds necessary to enforce vigorously the law.

In December, 1902, when the legislative, judicial, and executive appropriation bill was being considered by this House, when the paragraph pertaining to the Department of Justice was reached I offered upon the floor of the House an amendment appropriating \$250,000 for the purpose of prosecuting violations of the antitrust law and violations of the interstate commerce act, at the same time directing that the Attorney General proceed against all violators of those two laws. The distinguished gentleman from Illinois [Mr. CANNON] was at that time chairman of the Committee on Appropriations. The gentleman from Pennsylvania, Gen. Bingham, was in charge of the bill upon the floor. He promptly reserved the point of order against the amendment, but, at the suggestion of the chairman of the committee, the point was not made or even reserved. The proposition made from this side of the House to appropriate \$250,000 for that specific purpose, at the suggestion of the chairman of the committee, the gentleman from Illinois, Mr. CANNON, was increased to \$500,000.

So that whatever credit there may be of inaugurating this particular item in an appropriation bill, whatever credit there may be of first providing a specific sum for the prosecution and the enforcement of this law, belongs to this side of the House, and was offered by the gentleman from Georgia—myself.

Mr. CANNON. Was the point of order sustained?

Mr. BARTLETT. It was not made.

Mr. CANNON. Oh, it was not made.

Mr. BARTLETT. And the gentleman from Illinois, if he will recall the incident—

Mr. CANNON. I do not recollect about it.

Mr. BARTLETT. The record shows, and I will produce it—

Mr. CANNON. What is the fact about it?

Mr. BARTLETT. The fact is that the gentleman from Illinois was so anxious that the point of order should not be made that in hot haste he rushed from his seat over to where Gen. Bingham was and caught him by his coat and said, "You must not make it." That is the incident.

Mr. CANNON. I am perfectly willing that the gentleman from Georgia should have all the credit in the world.

Mr. BARTLETT. And I am perfectly willing the gentleman from Illinois should have the credit of not opposing it, too.

Mr. CANNON. All right. Now, then, if the gentleman will allow me—

Mr. BARTLETT. Surely.

Mr. CANNON. Just at this point, because the gentleman will get more time if he desires it.

Mr. BARTLETT. Thank you, sir.

Mr. CANNON. That appropriation was \$500,000.

Mr. BARTLETT. Yes.

Mr. CANNON. On the legislative bill. It really belonged on the sundry civil bill, but that makes no difference. Now, then, this appropriation with the Democracy in power in this House is not \$500,000. The estimate is \$250,000, and you report \$200,000. Will my friend be halfway as anxious now as he was then?

Mr. BARTLETT. I will vote every dollar necessary to carry out this law. [Applause.]

I will quote from the CONGRESSIONAL RECORD, which shows the following facts relative to the incident I have referred to.

PROSECUTION OF THE TRUSTS.

On December 17, 1902, when the legislative, executive, and judicial appropriation bill was before the House and the item making appropriations for the Department of Justice had been read, Mr. BARTLETT offered the following amendment:

"For the purpose of enforcing the antitrust laws of the United States and to enable the Attorney General of the United States to prosecute suits and legal proceedings against persons or corporations who shall violate the antitrust laws of the United States now in force, or that may hereafter be enacted, the sum of \$250,000, or so much thereof as may, in the judgment of the Attorney General, be necessary, to be expended under the direction of the Attorney General, and he is hereby directed to proceed against any and all persons or corporations who may have violated or may violate any of the provisions of the antitrust laws of the United States." (Vol. 36, CONGRESSIONAL RECORD, p. 410.)

Mr. Bingham, in charge of the bill, said:

"I will make no point of order against that proposition."

Mr. Overstreet said:

"There is no such law known to the statutes as the antitrust law."

Mr. Underwood said:

"I understand that the disposition here is not to create a new statute, but to provide the Attorney General with the necessary funds by which he can enforce the law now on the statute books."

Mr. Hepburn offered the following as a substitute for the amendment offered by Mr. BARTLETT:

"That for the enforcement of the provisions of the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, and sections 73, 74, 75, and 76 of the act entitled 'An act to reduce taxation, to provide revenue for the

Government, and for other purposes,' approved August 27, 1894, the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not heretofore appropriated, to be expended under the direction of the Attorney General in the employment of special counsel and agents of the Department of Justice to conduct proceedings, suits, and prosecutions under said acts in the courts of the United States: *Provided*, That no person shall be prosecuted or be subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, in any proceeding, suit, or prosecution under said acts: *Provided further*, That no person so testifying shall be exempt from prosecution or punishment for perjury committed in so testifying" (p. 411).

Mr. CANNON said: "But the gentleman from Georgia moved his amendment; no point of order was made upon it—the point, I think, being properly withheld—and that proposition is now before us for consideration. For one I am quite willing to settle it here, so far as we can, and would suggest to the gentleman from Iowa that he increase the sum from \$250,000, as proposed in the substitute he moves, to \$500,000, and that he make the appropriation immediately available."

Mr. Hepburn accepted these suggestions, and his substitute was amended accordingly.

Mr. BARTLETT said: "The committee of which the gentleman from Indiana [Overstreet] is a distinguished and honored member has not for a number of years reported any bill or done anything else to relieve the country from the exactions of the trusts, not even when the President of the United States, in his message of December of last year as well as the one delivered to the House at the beginning of the present session, has recommended that some resolute and practical legislation should be enacted to correct the evil of the trusts. And I say that the gentleman does not stand in a position to complain when other Members of the House see fit to propose that funds be put at the disposal of the Attorney General with which to prosecute the trusts of this country. I offered this because it did not appear that any member of the majority intended to do anything to aid the Attorney General or do anything toward prosecuting the trusts of this country or to carry out the recommendation of the President."

Further on he said: "The Republican Party has been masquerading sufficiently before the country on the subject of their opposition to the trusts, and for one I want to put this amendment before the House, that it may be voted on."

Mr. UNDERWOOD said: "In fact, he [Grosvenor] points with pride to one or two cases where the Republican Party has actually used the law on the statute books to suppress certain trusts that it was not in partnership with, but I want to ask him, if the law that he takes so much pride in, the law that he says is effective and can suppress trusts, is on the statute books. Why has not the Republican Party, which has been in power since 1896 and which has had absolute control of the legislative and executive branches of this Government since 1896, suppressed the trusts? I would ask him, why, since the Republican Party has had complete control of the Executive—the President, the Attorney General, and Congress, with the power to provide money—it has not suppressed the trusts? Enumerate in your own mind and before the people the trusts that are a living menace to the people to-day, and yet, according to the confessions of your own leader, you have had the law in your hands and have had the power and the ability to suppress those trusts since 1896 and have not done it."

"Now, I congratulate the gentleman from Iowa [Mr. Hepburn] and the gentleman from Illinois [Mr. CANNON] that when this side of the House offers an amendment to this bill to aid the Attorney General and the Executive of this great Government to enforce the law against the trusts they had the manhood to stand up for the masses of the common people of this country; that they have had the manhood and the courage, notwithstanding the political line, to come across and accept the proposition we made and aid us in the enactment of this legislation, which will do something toward suppressing the evils the people are crying against."

The substitute was then adopted and the amendment as amended by the substitute adopted without division. (Vol. 36, p. 419.)

But, Mr. Chairman, a very distinguished Republican who is now a militant candidate for the Presidency before the Chicago convention, who seems to have forgotten the dignity and the propriety incident to even a candidacy for the first time by those who desire to become the Chief Magistrate of this country, in a message in 1908, which I hold in my hand, recommended to the House that this law should be superseded by some other law which would take away from the courts the right to decide these violations and place it with the Executive, and in speeches made in recent months this same militant candidate for the Presidency has said that it is farcical and useless to undertake to enforce that law, and proposes now as a part of his political creed upon which he proposes to seek the nomination, and, if nominated, to seek election at the hands of the American people, that you supersede this law, proposes to create a commission by which the antitrust law shall be enforced, not by the courts but by a commission or Executive order.

And we find the remarkable spectacle presented in American history that a former President of the United States, who was vigorous and violent in his denunciation of the violation of the laws of the country by the great combination of the criminal rich, to-day the chosen candidate of the greatest industrial combination on the face of the earth; and the millions of dollars that have been spent in the primaries and the millions of dollars more that will be spent in the coming election, should he be nominated, is being furnished by two of these so-called alleged violators of the antitrust law, and Perkins of the Steel Trust and McCormick of the Harvester Trust have contributed of that sum, so we are informed in the press of the country, nearly half a million dollars. So that, Mr. Chairman, I have called attention to the fact that in 1902 the then President of

the United States demanded of the Congress that we furnish a sufficient sum to prosecute the violators of the antitrust law. I call attention to the fact that later, in 1908, he recommended that that law be superseded by some other law, because it was idle to undertake to enforce it. I call attention to the fact that he now claims that business, good trusts, should not be prosecuted, but we should have a commission not only to regulate their business but to fix their prices. And when that announcement has been made I call attention to the fact that this commission, as first suggested by Judge Gary, of the Steel Corporation, the idea of an industrial commission to regulate the sale, the manufacture, and the conduct of the business of these great corporations, and who first suggested that the prices even of their products be regulated, I call attention to the fact that since one of the candidates for the Presidency, a former President of the United States, advocated that measure, he has forgotten all he had said about combinations of wealth and "the criminal rich."

I here present the testimony of George W. Perkins, at that time an officer in the United States Steel Corporation, as given before the committee to investigate the said steel corporation on August 11, 1911, in detailing the circumstances of the promptness with which President Roosevelt acquiesced in the absorption of the Tennessee Coal & Iron Co. by the Steel Corporation in 1907:

Mr. PERKINS. I got the telephone to the White House opened about 9.30 o'clock on Monday morning, and talked with Mr. Loeb, and found that Judge Gary had just come in, and that he and Mr. Frick were with the President. I asked him if he could not find out before time for the trust companies to open and the exchange opened what the President's view was likely to be. Judge Gary came on the phone about a quarter of 10 and said that the President was considering it, and that he would call me again in a few minutes. At five minutes of 10, as I remember it, he came back to the phone and said that the President felt that under all the circumstances he had no right to interfere, and that therefore he and Mr. Frick were willing to report to us that they would come back to New York and vote with the committee to acquire that stock. I immediately let that be known—it was just three or four minutes of 10 o'clock—for the effect that was to have on the trust companies' opening and on Moore & Schley's loans. I simply state that to show you how close, to almost minutes, this thing had resolved itself to.

Mr. BARTLETT. You got into communication with the Executive Office at about 9.30 a. m.?

Mr. PERKINS. Yes, sir.

Mr. BARTLETT. And you were informed that Judge Gary and Mr. Frick were in conference with the President?

Mr. PERKINS. Had just come in to see him.

Mr. BARTLETT. And about 10 minutes to 10, 20 minutes thereafter, you got this message that loosened up this whole matter?

Mr. PERKINS. It was very close to 10 o'clock. How long they had been with the President at that time, I do not know.

Mr. BARTLETT. This question, which had troubled your lawyers and eminent counsel, was decided by the Chief Executive in less than 20 minutes?

Mr. PERKINS. I beg your pardon, but I do not think that is the situation at all. I never thought that the President was passing on the technical legal question.

Mr. LITTLETON. I do not think anybody thought so.

Mr. BARTLETT. No; I do not think he thought he was. I do not think he paid any attention to it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I will ask for 10 minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia that he be given 10 minutes more? [After a pause.] No objection is heard.

Mr. BARTLETT. And these criminal rich are now contributing fabulous sums to his campaign funds. I read from the Washington Post of recent date:

\$1,250,000 TO BOOM T. R.—WALL STREET HEARS THAT SUM HAS BEEN EXPENDED IN PRIMARIES.

[Special to the Washington Post.]

NEW YORK, June 4.

Wall Street to-day heard from what is regarded as authoritative sources that the Roosevelt campaign managers had dispensed more than \$1,250,000 in connection with the primaries up to the close of the work in New Jersey. Principal contributors to this fund, it was declared, were George W. Perkins \$200,000, Frank A. Munsey \$70,000, and certain interests in connection with the Steel Trust, the Harvester Trust, and the anthracite roads.

Who are the men? We hear him now advocating the different methods of conducting this great business and controlling it, and we find lined in his defense men who have in former years received his denunciation, calling them violators of the law and belonging to the criminal rich. Judge Gary, president of the steel corporation, in testimony before that committee, was the first man that officially came before a committee of Congress and suggested the proposition that Congress ought to permit these corporations to be controlled by a commission and their prices be regulated.

I have them, and I will put them in the RECORD, statements from the public prints of the sums contributed to Mr. Roosevelt's campaign. There was contributed by Mr. George W. Perkins, \$200,000. The steel corporation contributed \$75,000, through

Mr. Munsey, a stockholder of that corporation, and large sums by Mr. McCormick, the Harvester Trust man. You speak about the enforcement of this law. Let me tell you some of the elements that are now published with reference to the prosecution of the Steel Trust—and I call it a "trust" for short.

But, occupying the position that I happen to occupy on this floor, I do not care to denominate it as a "trust" for the present, and therefore if I use that term I do it not with a view of saying that is my position now, because I may be called upon officially to render an opinion upon that. But there came a time when it was important to the steel corporation to secure, if it could, a monopoly—in 1907—by the purchase of the Tennessee Coal & Iron Co. They said they could not do it unless they had the assurance of some one in authority that it was not a violation of the law. And after making all arrangements they chartered a special train, and they sent the president of the steel corporation, Mr. Frick—and you must remember that Mr. Frick made another voyage in 1904, not for the purpose of protecting the steel corporation, but for the purpose of finding out if contributions could be made to campaign funds in 1904—and the President of the United States met Mr. Gary and Mr. Frick and Mr. Roor in the Executive Mansion at 9.30 a. m. Perkins stood listening in New York with a telephone receiver at his ear in order to learn what decision the President of the United States had come to.

And, waiting, he received the information from Loeb, the clerk, at 9.30 that Mr. Gary and Mr. Frick had just come in to see the President according to the agreement made on Sunday, the day before, and that he would hear from them in a few minutes. At 8 minutes to 10 Perkins, with the telephone still to his ear, with the line chartered and waiting, received the information that the President had said that the proposed purchase of the only great rival of the steel corporation by that corporation would not be interfered with by him, and the news was then flashed to the stock exchange that the President of the United States had agreed not to interfere then or thereafter with the prosecution of the steel corporation for purchasing the Tennessee Coal & Iron Co. property. And it was purchased.

I will not go on here in detail, but later on it may devolve upon me to say to the House whether that was a violation of the law or not. But I do know that the then President of the United States, in November, 1907, decided in 10 minutes that that was not a violation or was not such a violation of the law as would require him to interfere, when it had taken the lawyers of the Government and the Supreme Court of the United States nearly 18 years to determine the law of the country.

Now, Perkins and Gary and Frick got the acquiescence of the then President of the United States in 15 minutes, after submitting the case to him, to purchase the Tennessee Coal & Iron Co.; and for that or some other reason with immense millions these immense corporations are backing the then President of the United States, who is now endeavoring to violate the rules and precedents of this great country to become for the third time the President of the United States.

Mr. Chairman, the country can not attribute to patriotism or to love of country or to a desire for good government the action of the interests represented by Perkins and by McCormick in spending their money in behalf of Mr. Roosevelt's campaign. Well can they afford to pay his campaign expenses, both in the primary and in the election, and take the only chance that seems to be left to them to secure the abandonment of the prosecution of the United States Steel Corporation, now being vigorously prosecuted by the present fearless and able Chief Executive. [Applause.]

I am not his political defender. I do not expect to vote for him should he be nominated. But I have admiration for a man of courage and of will. I have admiration for—

Men who possess opinions and a will;
Men who have honor; men who will not lie.

[Applause.]

But whatever his fate politically may be in this contest, I have this to say of him: That I believe if this country is to be afflicted with any Republican President, the interests of the people who love the Government and its institutions, the interests of the people who are devoted to that form of Government that was cemented with the blood of the fathers and builded, I hope, on the eternal rock of right and justice, will be subserved by him better than his opponent, and my people prefer him to any other Republican candidate. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I would like to have five minutes more.

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

There was no objection.

Mr. JACKSON. Mr. Chairman—

Mr. BARTLETT. Does the gentleman want to interrupt me?
Mr. JACKSON. No. I wanted to say a few words in my own time.

Mr. BARTLETT. Now, Mr. Chairman, another thing. This paragraph is for the enforcement of the antitrust law. I have shown you where the former President once stood and I have shown you where he stands now. I have shown you that it was left for the Democratic minority to answer his demand that funds be appropriated to carry on these prosecutions.

But there is another thing that I desire to call to your attention. In the enforcement of this law there was employed as a special Assistant Attorney General from this trust appropriation made in 1905 an eminent lawyer for the prosecution, specifically, of the Atchison, Topeka & Santa Fe Railway, the compensation to be thereafter determined, and \$1,000 was paid him as retainer. That able lawyer, that great man who was sought to be employed, and who was employed in the prosecution of this alleged criminal violation of the law, was the present governor of Ohio, Judge Harmon.

He began to prosecute that suit, and when it was developed that instead of being a mere violation of the law, a mere proceeding where directions were given to file proceedings in the equity side of the court, it was an altogether different sort of a case, he used this famous expression to the President, that "Guilt is personal," and that personal guilt in the violation of the statute was brought directly home to a former Secretary of the Navy in the administration of President Roosevelt; whereupon Mr. Harmon and Mr. Judson, who had been employed by the Department of Justice to prosecute these violators of the law, because they claimed that a mere punishment by fine and taking money out of the coffers of these corporations was not a proper enforcement of the law, and asserted that this guilt was personal, were directed to discontinue the prosecution and were discharged as attorneys for the Government.

Oh, it is great to parade around the country, booted and spurred and topped with a cocked hat and armed with "the big stick," proclaiming that one stands for what is good and against what is wrong as our former President is doing. It is great to talk to the crowd and declaim against "the criminal rich." But whenever the criminal rich are his personal friends and contributors to his campaign funds in the past and in the present and are expected to contribute further campaign funds in the future, this great apostle of "the people's rights" and opponent of "the criminal rich" and "the criminal corporations" either forbids the prosecution or acquiesces in its abandonment and directs its discontinuance.

O Mr. Chairman, I repeat again, in this hour not only the Republican Party but the country needs—

Men whom the lust of office does not kill;
Men whom the spoils of office can not buy;
Men who possess opinions and a will;
Men who have honor; men who will not lie.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I shall not at this time take the trouble to reply to the irrelevant remarks of my friend from Georgia [Mr. BARTLETT] concerning ex-President Roosevelt. The fact is that we have heard a good many references of this sort recently on the Democratic side of the aisle. All of them are inspired by pure fear. [Applause on the Republican side.]

Mr. GARNER. That is the gentleman's theory.

Mr. MANN. The Colonel has got the Democratic side scared to death.

Mr. BARTLETT. He has got you standpatters skinned to death.

Mr. MANN. I do not propose to discuss the question as to who should be the nominee at the Chicago convention, but whoever is the nominee—

Mr. FITZGERALD. Will not have a chance. [Applause on the Democratic side.]

Mr. MANN. I have been here a good many years, and have heard that same statement every time on that side of the House, and every time the result has been the same. We have licked you to death, and we will do it again. [Applause on the Republican side.]

Mr. BARTLETT. Hope springs eternal in the human breast.

Mr. MANN. I hope I may be pardoned now for referring to the subject matter under consideration. This item in the bill has been referred to by the gentleman from Georgia [Mr. BARTLETT]. I remember when he offered on the floor an amendment, I think, for \$250,000—

Mr. BARTLETT. That is right.

Mr. MANN. For the enforcement of the antitrust law. Smart, keen, and bright as he is, the gentleman from Georgia was endeavoring to put the Republican side of the House in a hole.

Mr. BARTLETT. Oh, no; if the gentleman will permit me.

Mr. MANN. The gentleman was trying to put the Republican side of the House in a hole, and that is no reflection on the gentleman.

Mr. BARTLETT. Will the gentleman permit an interruption? I do not want to make another speech.

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman will not charge me with that. While I would be very glad at all times—

Mr. MANN. I will withdraw my statement that he was trying to put the Republican Party in a hole. He came very near putting the Republican Party in the House in a hole. As I recall, the gentleman from Iowa, Mr. Hepburn, came back with a proposition to increase the amount to \$500,000, and that coming from the Republican side of the House, the Republicans voted it into the bill, and then they were the ones who had proposed half a million dollars, instead of giving the credit to the gentleman from Georgia [Mr. BARTLETT] of proposing a quarter of a million dollars.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman from Georgia promptly called the bluff of the gentleman from Iowa, Mr. Hepburn, and accepted the amendment, and the next year they spent \$20,000 of the \$500,000.

Mr. MANN. Which showed that that amount was not necessary at that time.

Mr. BARTLETT. Not when you did not try to enforce the law.

Mr. MANN. But here is the fact: The Sherman antitrust law had been on the statute books for many years. All of the time we were hearing from gentlemen who were complaining that the administrations had not enforced the law. There was complaint from this side of the House that the Cleveland administration had not enforced the law and complaint from that side of the House that the McKinley administration had not enforced the law and that the Roosevelt administration was not enforcing the law, when the fact was that Congress had not made the appropriation necessary for the enforcement of the law. Then we made the appropriation. Now the law is being enforced.

Mr. GARNER. In spots.

Mr. MANN. What is the situation? I propose to give some information to gentlemen on that subject in the very slight hope that the information will be able to penetrate their brains far enough to make a difference in their votes.

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

Mr. BARTLETT. I ask that the gentleman have more time. How much time does the gentleman want?

Mr. MANN. I only want five minutes.

Mr. BARTLETT. Does the gentleman want 10 minutes?

Mr. MANN. No; I want to get through, if I can.

The CHAIRMAN. Unanimous consent is asked that the gentleman have his time extended 10 minutes.

Mr. MANN. I only asked for five minutes.

The CHAIRMAN. If there be no objection the gentleman's time will be extended five minutes more.

There was no objection.

Mr. MANN. In this case this year the estimate was \$300,000 for the enforcement of the antitrust laws, not exceeding \$25,000 of which should be for salaries for necessary employees in the District of Columbia.

The bill as reported carries \$200,000, with not exceeding \$10,000 to be expended in the District. The estimate was for \$325,000 for payment of regular assistants, United States district attorneys. The bill only carries \$315,000 for that purpose. So that, if these two appropriations go through as they are provided for, no increase can be made in the force of regular assistants, the United States attorneys, and the department will be restricted to the \$200,000 for the enforcement of the antitrust law.

To give some idea of what this means, from the enactment of the Sherman antitrust law until March 4, 1909, the beginning of the present administration, only 62 proceedings, civil and criminal, were brought under that law, of which 16 were pending when President Taft took office. Now, remember that the law was passed in 1890. From that time up to 1909 there were only 62 proceedings commenced, both civil and criminal, and since President Taft assumed office there have been brought 65 proceedings, civil and criminal, besides the 16 proceedings

which were pending when he took office. Of these 16, all have been disposed of except 1 now under advisement in the Supreme Court and 1 on advisement for application for final decree in the circuit court.

At the present time there are pending 18 criminal proceedings and 21 civil proceedings. Among these are the civil prosecutions of the American Sugar Refining Co., the United States Steel Corporation, the International Harvester Co., the United Shoe Machinery Co., the National Cash Register Co., all of them difficult, complicated cases, involving a large amount of testimony and the services of the most competent counsel procurable.

Among the criminal proceedings pending are the indictments of the officers of the National Cash Register Co., the so-called Bathub Trust, the United Shoe Machinery Co., some of the lumber companies, and some transportation companies between the Pacific coast and points in Alaska, all of these involving a great deal of evidence in detail and much labor in the preparation of the cases for trial.

These big corporations and their friends now under prosecution in the civil courts and under prosecution in the criminal courts are all opposed to the enforcement of the Sherman antitrust law, are all opposed to the amendment offered by my colleague to increase the fund which the Government can use in the prosecution of these cases. They are all in favor of the proposition from the Democratic side of the House that there shall not be money enough appropriated by the Government for the Department of Justice to permit that department to vigorously prosecute these trusts. For years you gentlemen on that side of the aisle have howled at the administration because you said they were not prosecuting violations under the Sherman antitrust law, and now when you find that they are vigorously prosecuting them you seek to deprive the Government of the United States of the means to carry on these prosecutions. [Applause on the Republican side.]

We shall charge on our side, we will charge on every stump in the land during the campaign, that you have endeavored to throttle the efforts of the Republican administration to put down the trusts and the combinations, and to prevent the criminal prosecution of the officers who have been guilty of a violation of the law. [Applause on the Republican side.]

Mr. JACKSON was recognized.

Mr. FITZGERALD. How much time does the gentleman want?

Mr. JACKSON. About five minutes.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending paragraph and the amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending paragraph and amendments close in 10 minutes. Is there objection?

There was no objection.

Mr. JACKSON. Mr. Chairman, I desire to say a few words in support of this amendment. As was so well said by the gentleman from Illinois [Mr. MANN], it is not necessary to attempt to answer any of the things that were stated by the gentleman from Georgia [Mr. BARTLETT]. The people of the country well know that Col. Roosevelt has thrown the entire Democratic Party of politicians into hysteria, and it is therefore easily explainable that the scene which has occurred here did occur. I will say this, however, that whatever may occur at Chicago, the colonel will not so far forget himself as to enact so unseemly, not to say so unparliamentary, a scene at Chicago as we have witnessed on the other side in the debate on this question.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman for a moment?

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

Mr. JACKSON. Mr. Chairman, I do not care to yield. I have only a few minutes.

Mr. BARTLETT. But the gentleman has charged something unparliamentary to this side.

Mr. JACKSON. Mr. Chairman, I do not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTLETT. I do not blame the gentleman.

Mr. JACKSON. Mr. Chairman, there is one commendable thing about the Democratic Party, and that is its unwavering faith in the Republican Party, and the gentleman in his history of the trust law forgot to remind the House that the Sherman law, which he was so highly praising, originated upon the Republican side. That law was a Republican law. A committee of a Democratic Congress had considered the trust question before the Congress which passed the law of 1890 convened, and the result of that investigation was that the Democratic

committee reported to Congress that it referred the question of the regulation of combinations and trusts to the Congress which was then convening, a Republican Congress. That Republican Congress, under the leadership of John Sherman and William McKinley, vindicated the faith that the Democratic Party had in the Republican Party. And so President Taft needs no vindication or praise from that side of the House. I think it is true that the law is being faithfully enforced by the present administration.

But there is one point to which I desire to call attention now, and that is that in all of the 60 proceedings which have been mentioned by the gentleman from Illinois [Mr. MANN], or at least in a good part of them, equity decrees have been procured. The force of an equity proceeding or its decree depends entirely upon the watchfulness of the Government in the enforcement of that decree after its rendition. What is the cause of the complaint in these trust proceedings? It is that the decrees in equity have not all been enforced. They have been useless, because the interest in the transaction has dropped as soon as the decree was obtained. The country is now watching as to what the effect of the decree in the Standard Oil case will be. If it is followed up and enforced, it will come to something; if it is left where the decree in the Ohio case was dropped 20 years ago, it will amount to nothing to the people of the country. Is this House and is this administration willing to go on record publishing to the country that the Department of Justice has asked for \$300,000 and that we will only vote them \$200,000? Nothing could occur which would cause more delight in the hearts of the lawbreakers of the land.

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

Mr. JACKSON. Certainly.

Mr. FITZGERALD. Where is there any request of the Department of Justice for \$300,000?

Mr. JACKSON. The gentleman from Illinois [Mr. CANNON] has just said here that the officer of the Department of Justice asked for that sum.

Mr. FITZGERALD. Is that what the gentleman relied upon?

Mr. JACKSON. Certainly.

Mr. MANN. The gentleman can always rely on any statement that I make on the floor of the House.

Mr. FITZGERALD. But he did not refer to the gentleman from Illinois, Mr. MANN. The gentleman from Kansas referred to the gentleman from Illinois, Mr. CANNON, who read from the hearings.

Mr. JACKSON. Both the gentlemen from Illinois, Mr. MANN and his colleague, Mr. CANNON, said that the department asked for this money. Mr. CANNON said that Mr. Fowler asked for \$300,000.

Mr. CANNON. The regular estimate was for \$250,000. The recommendation of the committee is for \$200,000, and the examination of Mr. Fowler, from the Attorney General's office, disclosed the necessity for \$300,000.

Mr. JACKSON. That is the way I understand it.

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

Mr. JACKSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

I have heard a good part of the testimony relied on by the Government in the lumber cases, which has been referred to, and in my judgment, and I have had some experience in such matters, the testimony can not be taken in this case alone for one-eighth of the whole amount allowed in this bill. I venture the opinion that the attorneys' fees which will be paid by the defendants in this lumber case, or in any one of a half dozen cases now pending, will equal the whole amount of this appropriation.

Mr. FITZGERALD. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The Chair will recognize the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, the statement of the gentleman is the greatest justification for refusing to give the Department of Justice what they request. If any department of the Government is expected to know the law it is the Department of Justice. Informal statements as to the amount of money they think they might be able to use when they do not submit requests in conformity with the law is the best proof that they do not know what they are talking about. If they needed the money and they know the law, then they would estimate in accordance with it. Why is not this money granted?

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

Mr. FITZGERALD. Certainly.

Mr. CANNON. There is a regular estimate transmitted under the law through the Secretary of the Treasury for \$250,000.

Mr. FITZGERALD. I admit that. I am talking about the \$300,000 which the gentleman mentioned, and which was stated would be necessary, merely as an excuse to try and force out of the committee a larger appropriation than had been made for any one year in several years. Since this special appropriation was made in 1904 the department has had \$1,500,000 especially for this purpose. In addition they have for this year \$325,000 for the pay of regular assistants to the United States district attorneys, \$200,000 for the pay of assistants to the Attorney General, and \$500,000 for district attorneys and their assistants.

If the Department of Justice would employ men who would produce results, instead of seeking lawyers in different employments of the Government anxious to be put upon the pay roll at much higher compensation without producing results, they would get much better results with less expenditure. After the 4th of March, Mr. Chairman, these pay rolls will be cleaned out. [Applause on the Democratic side.] Many of these inefficient men, many of these so-called high-class counsel, who have been attending on these appropriations without producing results, will be eliminated, and competent men will be employed to do the work of the Department of Justice, and do it successfully and efficiently. Let the gentleman from Illinois go to the country, as he states, speaking from every stump, telling how the Democratic Party has endeavored to prevent the Department of Justice enforcing the antitrust law—

Mr. MANN. That is what I will do.

Mr. FITZGERALD. I hope he will be accompanied by the distinguished former President of the United States, who may have an opportunity to repeat how ineffective and futile and idiotic has been the conduct and progress made under the present administration [applause on the Democratic side], and together they may succeed in convincing—

Mr. MANN. The gentleman agrees with the former President and takes his side.

Mr. FITZGERALD (continuing). They may succeed in convincing the country that the Democracy, which originated this appropriation, has been compelled to-day to adopt regulations to prevent the continuance of the abuses which have existed since the appropriation has been made to have the expenditures made properly; that they have attempted to prevent or to stifle the enforcement of the Sherman antitrust law. Let the Department of Justice employ competent and efficient men; if they do, there will be no complaint about the adequacy of the appropriation. I believe we have given all that can be expended, should be expended. Having given as much as was asked last year, the hearings not disclosing any necessity for additional money except to pay exorbitant and indefensible fees, no more should be given. The committee could not increase the item.

The CHAIRMAN. All time has expired and the question is on the adoption of the amendment.

Mr. CANNON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All time has expired and debate has been closed. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced the ayes seemed to have it.

On a division (demanded by Mr. CANNON) there were—ayes 20, noes 36.

Mr. CANNON. Tellers, Mr. Chairman.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. May I inquire the exact amount of the amendment?

The CHAIRMAN. The bill proposes an appropriation of \$200,000 and the amendment increases it to \$250,000.

The committee again divided; and the tellers (Mr. FITZGERALD and Mr. CANNON) reported that there were—ayes 28, noes 49.

So the amendment was rejected.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, \$20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed \$10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. Having fully set forth my views on these suits in the past, I do not desire to go into an extended discussion into the merits or demerits of same at this time. But I would like to ask the gentleman in charge of this bill for some information, if I can get his attention.

Mr. FITZGERALD. I am listening to the gentleman.

Mr. CARTER. On page 1510 of the hearings I notice Mr. Knaebel, in his statement, says that there is already a balance on hand of \$58,000. Later on in the same statement he contends that all this sum can be used for the continuation of the work in these suits. Am I correct in that?

Mr. FITZGERALD. They had a balance of \$58,000 and expected to spend \$30,000 altogether this year, leaving \$28,000 at the end of the year.

Mr. CARTER. Then what is the necessity of appropriating the additional \$20,000 which the gentleman has in this bill?

Mr. FITZGERALD. They will need \$48,000 next year.

Mr. CARTER. They will need \$48,000 next year? They were given \$50,000 by the act of May 27, 1908, authorizing the suits, then in 1909 another \$50,000, in 1910 another \$50,000, and in 1911 another \$50,000, making in all \$200,000 that will be spent by the 30th day of this month, which is the end of the fiscal year. Now, you have given the Department of Justice \$20,000 more, and toward the bottom of the same page I see another item of \$15,000 for "suits affecting title to Seminole allotted lands in Oklahoma," making a grand aggregate of \$235,000 appropriated by Congress, and yet very few of these suits seem to have reached any definite conclusion. Now, will the gentleman enlighten this House and the country by telling us when there is any likelihood of any considerable portion of these suits being settled?

Mr. FITZGERALD. The gentleman himself knows the United States Supreme Court within the year has decided two or three of them.

Mr. CARTER. The Supreme Court has, if my memory serves me right, decided five of the cases, as follows: The Marchie Tiger case, the Deming Investment Co. case, the Goat case, the Mullen and Jansen case, and the Heckman-Owen case.

Mr. FITZGERALD. Those suits have been carried up to the Supreme Court of the United States, and under these decisions of the court certain questions now necessarily being sent back for trial of a great many of these cases he can estimate as easily as I can how long it will take to finish those suits which are brought to protect the Indians from the rapacity of these dishonest whites.

Mr. CARTER. The gentleman's remarks about protecting an Indian from the rapacity of dishonest whites are superfluous and unnecessary. I am seeking light and information and not accusations. I want simply to say to him that I myself am one of these helpless wards of the Government for whom one of these very suits was brought to set aside a conveyance.

The gentleman from New York may differ with me on the subject, but I have a stealthy, sneaking notion that I am as capable of taking care of my own affairs as the gentleman from New York, the Secretary of the Interior, the Attorney General, or any other man under heaven's canopy.

Mr. FITZGERALD. That is true, and the gentleman knows, too, that the conditions were such that, in order to protect those Indians who were not competent and who have been defrauded and who have been despoiled of the lands or property, the Department of Justice was compelled to include a great number of transactions which, because of the limitation of 60 days, if I recall correctly, it was unable to investigate. There are over thirty and odd thousand cases, and I prefer to embarrass the gentleman from Oklahoma just a little bit, rather than to have all the Indians who are incompetent defrauded of their property by dishonest men who have been seeking to take advantage of their incompetency.

Mr. CARTER. The gentleman from New York can not possibly embarrass the gentleman from Oklahoma in this respect. Myself and my people—competent though many of us claim to be—have been so unjustly held in a state of pupillage that embarrassment from additional abuse of our liberties is impossible.

I again insist that I am only seeking information and not a discussion of the moral phase of this question, though I would be very glad to take that issue up with any man with sufficient time and proper conditions. Neither do I care at this time to burden this committee with any further discussion as to the manner in which these suits were brought.

The gentleman in charge of the bill says the department was only given 60 days. I deny it, and I defy the gentleman from New York or any other person to show me any limitation in the face of the law about the bringing of these suits.

Mr. FITZGERALD. Not about bringing the suits. Sixty days were provided, I think, on the Indian appropriation act that certain conveyances should be validated, and it was the opinion of the Department of Justice—I have not looked it up, but undoubtedly the gentleman knows it better than I do—that unless suits were entered at the expiration of the 60-day period it would be too late, and the action would not lie, and, if I am not mistaken, the department has been somewhat

sustained in that by some of the cases that have been adjudicated up to this time.

Mr. CARTER. The gentleman is badly mistaken. I have never heard of any Supreme Court decision holding that these suits must be brought within a limited time. Department of Justice officials themselves certainly do not contend that. When they were brought to time by your committee for the reckless and wholesale manner in which these suits were instituted, they offered as an excuse that the restrictions would be removed within 60 days, and that some of the invalid transactions made in the past might be validated by the removal of restrictions. The answer to that is that the very restriction act itself prohibited the validating of any theretofore invalid transactions. Section 4 of this act—the very one which provided for the bringing of these suits—contains the following language:

That allotted lands shall not be subjected or held liable to any form of personal claim or demand against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law.

Now, with a good lawyer, like the gentleman from New York, I think that provision ought to forever settle that question, so that it will not be raised in future debates.

Mr. FITZGERALD. The Department of Justice, charged with the responsibility of conducting these suits, was of the opinion that it was necessary to bring them in advance, and I am inclined to think that they were wise in that case. One of the grounds upon which the suits were antagonized was that the department had no power to bring action in the name of the United States. Even a technicality like that was resorted to, and I have no doubt astute lawyers would easily have taken advantage of the other suggestion. I do not think we can criticize the Department of Justice in going in as they have to protect these Indians from the consequences that the gentleman and myself know.

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

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Oklahoma be extended for five minutes. [Applause.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER. Mr. Chairman, I repeat that I shall be very glad at any appropriate time to go into a full discussion of the merits of these suits or of the demerits of the manner in which they have been brought and prosecuted by the department, but there is much to be said on my side, and it seems, too, that the gentleman must know that the discussion on my side of the case might be prolonged indefinitely. I again insist that I am trying to get some definite information. Since, however, this question of the manner in which these suits have been brought has arisen I do want to make this statement: Any fair, unbiased man, having the least bit of familiarity with the action of the Department of Justice and the Interior Department with relation to these suits in Oklahoma will be forced to admit that it is one of the most notorious pieces of incompetency and infringement upon the rights of the people of which any government has ever been guilty, and it ought to cause the blush of shame to mantle the cheek of every department official who has had a part in delaying these matters, tying up the business interests of our State, and placing an embargo on the price of the Indians' property.

The restriction bill, approved May 27, 1908, authorized the institution of these suits, and the gentleman from New York [Mr. FITZGERALD] and I took part in its passage. The gentleman from New York made a speech against the bill and I made a speech for it, not that I favored this provision, but because of the many valuable enactments contained therein. In the public hearings which were held on this bill department officials appeared before us and asked that \$50,000 be given for clearing up titles to restricted lands in Oklahoma. We all knew that some fraudulent deeds had been given and realized the importance of removing every cloud from the title before the lands were finally offered for sale, but we also had a mortal fear of having these suits brought without proper investigation. These suits could have been brought under the general law anyway, and these department officials seemed to think that they had sufficient machinery with which to bring same. But hearings will show that these same officials stated that they wanted \$50,000, not for the purpose of bringing suits but for the purpose of making an investigation so that suits could be brought intelligently and not in a wholesale manner. Now, let us see if these gentlemen have kept faith with this Congress. To fully elucidate this argument it will be necessary to repeat here what I have said on two former occasions on the floor of this House, and that is the necessary procedure for making an investigation preparatory to properly bringing these suits,

The same law which appropriated this \$50,000 provided that the tribal rolls, as prepared by the Dawes Commission, should be conclusive evidence to the age and quantum of Indian blood. The test of the allottee's right to convey was the quantum of Indian blood and age. These rolls are indexed in alphabetical order, so that the only thing necessary would be to go to the records of the county in which the land was located, get the name of the vendor, run down the alphabetical list of the rolls, and right beside the name of the allottee you would find his age and quantum of blood. This investigation should require not to exceed five minutes to the name. So that all necessary examinations could have been made prior to the 60 days, if, indeed, that had been necessary, which it was not. Not only that, Mr. Chairman, this investigation could have been made and all spurious suits dismissed, even after they were brought; but was any of these precautions taken? Not on your life, because the moment the suits are dismissed that moment their tenure of office expires. You do not expect one of these fellows to work himself out of a job, do you? Instead of that, they brought suits in a wholesale manner. Hoping to bolster up their own incompetent and disgraceful acts by insidious attempts to discredit some of our State officials, unwarranted suits and criminal prosecutions were attempted, only to be dismissed by the Federal court.

More real harm was done, however, on the converse side of this proposition. Suits were brought to set aside conveyances of allottees, of whose competency there was not a particle of doubt, and who were fully authorized to alienate their land at the time the transfers were made.

Now, this is our side of the case very briefly told, and no one seems safe on either side of the question from the rapacity of this bunch of officials. All seem fish that come into their net.

Now, let me ask the gentleman one more question before I am through. As stated heretofore there is an item at the bottom of the same page providing for the payment of expenses incident to suits brought affecting the title of Seminole lands. Can the gentleman tell us the difference between this and the other suits? Are they not of the same character, and is not that an ingenious way to impose upon the Committee on Appropriations to the extent of getting an additional appropriation?

Mr. FITZGERALD. No. I think they are a different character of suits.

Mr. CARTER. Well, I think the gentleman will find that they are all the same. And since \$48,000 is left with which to prosecute these suits, this \$15,000 additional would make \$63,000 for the ensuing year as against \$50,000 appropriated heretofore, which is an increase of \$13,000. Mr. Knaebel states in the hearings that of these suits some six or seven thousand have been dismissed. So it would seem that as the cases narrow down the appropriation must be increased.

Mr. FITZGERALD. That statement is hardly fair. The gentleman knows that there are about 30,000 suits. In the first action brought in the district court a demurrer was sustained to the bill, and that case was appealed to the circuit court of appeals and the circuit court of appeals reversed the decree of the district court and held the bill to be good. Then Congress, by legislation with which the gentleman is familiar and with which I am familiar, authorized an appeal to the United States Supreme Court of certain typical cases, in order, if possible, to shorten and prevent as much of the litigation as possible. Four cases, at least, have within a very short time been decided by the Supreme Court. Some of those defendants have been sentenced. The trial of the others will result later, and in the meantime much of this litigation is discontinued. After these actions have been dismissed in which the department is convinced that there is no ground for recovery, pending an appeal to the United States Supreme Court, all of these other cases have been held in abeyance; but now that certain important questions have been settled, it will be possible to prosecute these suits, and many of them will be handled, and a much larger expenditure will be required than if they were all in the same state of suspense as they have been heretofore. Now, relative to the Seminole cases, Mr. Gresham, who is in charge of that, states—

The CHAIRMAN. The time of the gentleman has expired.

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

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

There was no objection.

Mr. FITZGERALD. Mr. Gresham states:

This office was established about one year ago, and while we realize that the work is only fairly begun, we have accomplished much good. The office has been instrumental in removing clouds from title by quit-claim deeds and judgments of approximately \$200,000 worth of allotted land; 8 persons have been convicted of deed forgeries, and 23 similar

prosecutions are now pending in the State courts with many others for forgery and the embezzlement of funds derived from the sale of minor and inherited lands in prospect. A number of civil actions in ejectment and for the cancellation of illegal deeds are now pending, and many others of a similar character will be instituted in behalf of allottees during the next year. Practically every adult member of the tribe, both Indian and freedman, has called at the office and sought advice or assistance in relation to allotted or inherited land.

In view of such statements as that, the committee could not possibly refuse to recommend the appropriation of the money necessary for this service.

Mr. CARTER. Mr. Chairman, it is not my purpose to criticize the committee any further than this: These matters are so complicated that they will fool even as an astute accountant as my distinguished friend from New York. They are so involved that unless a man is thoroughly acquainted with all the details he is very apt to be imposed upon in these different amounts expended, which may be for similar purposes. I am reasonably certain that this money for the Seminole prosecution is to be used for the same purpose as that of the item under discussion. What is the distinction? The Seminoles are a part of the Five Civilized Tribes and the suits are of practically the same nature. The only difference is that the Seminoles' deeds have not yet been delivered, while patents have been delivered to the others.

Now, in conclusion, I want to say this: If my memory serves me right, the law points in these numerous suits were 14 in number. The five cases spoken of before in this discussion have settled all those points except two and—again resorting to my memory—those two relate to inherited estates, and in one of these cases a decision has already been rendered by the United States Court in the Eastern District of Oklahoma and the supreme court of the State, and this decision has not been appealed from. So these suits have been resolved into a question of classification and clerical work. That is to say, as soon as it can be determined to what class a case belongs it should either be dismissed, settled, or prosecuted to a final determination without much delay.

I am willing that the department shall have the necessary funds to make this classification, and live in hopes that some reasonable dispatch will be used in the disposition of these suits within the next year. But I warn the gentleman that the people of Oklahoma have suffered long and greatly from the clouds that these suits have brought upon the Indian lands, and I think this House ought to take a hand in the matter, not only for the benefit of the business interests and the white people of Oklahoma, but for the sake of the Indians themselves. The value of those lands have been almost completely destroyed by the clouding of titles which this wholesale bringing of suits has caused, and unless some reasonable dispatch is made before the meeting of the next Congress, I am going to ask the intelligent membership of this House to take this matter in hand and make some intelligent settlement of it, regardless of what any department says.

Mr. BURKE of South Dakota. Will the gentleman yield to a question?

Mr. CARTER. I yield to the gentleman from South Dakota.

Mr. BURKE of South Dakota. I should like to ask the gentleman whom he means by "us." He makes the statement that when two of these points are decided by the Supreme Court he thinks that court will decide against "us." What does he mean by "us."

Mr. CARTER. I think I qualified that statement immediately afterwards by saying I meant the defendants in the suits. I do not happen to be one of the defendants, although a great many of my constituents are. I was one of the incompetents for whom suit was brought, so instead of saying "we-uns" I should have said "you-uns."

Mr. FITZGERALD. Mr. Chairman, I simply wish to say this, that everybody knows that very considerable inconvenience has been occasioned to a great many innocent persons, and I think the desire of the Department of Justice is to clean up that situation as much as possible.

Mr. STEPHENS of Texas. Mr. Chairman, the amendment under consideration reads as follows, viz:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, \$20,000, together with the unexpended balance of the appropriations heretofore made for this purpose: *Provided*, That not to exceed \$10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

It clearly appears from the first sentence that this law can be and, in fact, it has been made an engine of oppression to the Indians as well as the white citizens of Oklahoma. It authorizes suits to be brought to set aside conveyances of allotted lands of the Five Civilized Tribes.

If it had stated that the appropriation was made to set aside "fraudulent sales" of Indian lands I would have no objection to the appropriation. The language in this bill authorizes suits to be brought without alleging or proving frauds in purchasing lands from an Indian. Such sales are and were authorized by law, and not unlawful per se, yet this law authorizes suits against any person having any deed of conveyance to Indian lands, and such suits have been brought to the ruin and detriment of hundreds of innocent men in Oklahoma, and many of them have been pending for years; and the result of these suits has been to prevent the Indians from selling their surplus lands for anything like their true worth. No white man would buy land from an Indian, who knows that the Government could and would sue for the next day.

These Indians are land poor. They must sell some of their land to improve their homestead, which they can not sell. The employment of these attorneys and the authorizing of these suits prevents the development of that country. Thirty thousand of these suits have been brought already, and but few have been disposed of, as is shown by the following evidence given before the Appropriation Committee by Mr. Knaebel, the attorney in charge of these Indian suits in Oklahoma:

The CHAIRMAN. What has been done under this appropriation?
Mr. KENDALL. Shall I go back and briefly rehearse it from the beginning?

The CHAIRMAN. Yes, sir.

Mr. KNAEBEL. That appropriation originated in 1908. It grew out of the fact—

The CHAIRMAN (interposing). In 1909, was it not?

Mr. PAGE. The appropriation was made for the fiscal year 1909.

Mr. COURTS. But it is probable that the act was approved in 1908.

Mr. KNAEBEL. It was found in that year that a vast number of unlawful transactions with Indians in Oklahoma had occurred, and this appropriation became necessary to meet the expenses of the endeavor to set them aside. Three hundred and one suits were begun in the eastern district of Oklahoma, involving about 30,000 different alleged unlawful conveyances, and there were some 16,000 different parties defendant. A great deal has been said since to the effect that the litigation has resulted in casting clouds upon titles in that State and tying up the development of the country. In reply to that I will simply say that there has been no desire upon the part of the department to delay the litigation in any respect. The department was always ready and, with this money, able to go ahead with it and try the cases and dispose of them upon their merits, but the effort was blocked by demurrers raising the question of the right of the Government to represent the Indians and the question of the right to join different parties having distinct interests in the same bill. The lower court sustained these objections, which put a stop instantly to any further progress until that ruling was reviewed.

Typical cases were taken to the circuit court of appeals, and the Government then succeeded in overturning the decision of the court below. By a provision annexed to the appropriation bill of that year jurisdiction was given to the Supreme Court to review these cases, and some of them were brought to the Supreme Court. Meanwhile we could do nothing but tighten up in Oklahoma, maintain supervision over the litigation, and attend to such settlements as were possible. The Supreme Court has very recently ruled sustaining absolutely the right of the Government to bring these suits, and putting aside the objection of multifariousness. In the case in which these questions were first passed upon, it also ruled that the conveyances involved were unlawful. That case rules a number of similar cases pending in the courts below, both as to the right of the Government to prosecute and as to the invalidity of the conveyances. In another case, more recently adjudicated, the court held that the conveyances there involved were not unlawful. Many distinct questions of alienability arise in these transactions, because of the differences of tribes, degree of Indian blood, and character of the land; that is, whether homestead or what is called surplus land, or directly allotted or inherited from deceased allottees. The bills are drawn so that each one may embrace only transactions of the same legal character, and, of course, it is possible that the Government may be wrong in respect to some of the classes; but we believe that we are right in a large majority of the contentions made in these cases.

The CHAIRMAN. One of the complaints or objections urged to this appropriation was the charge that the department had instituted indiscriminately a great number of cases without any investigation. Will you state the circumstances under which these suits were initiated, and explain the limitation that was fixed upon the time in which they should be brought? I want you to explain the reasons the Government had to exercise some haste in filing these cases.

Mr. KNAEBEL. The act of May 27, 1908, was passed shortly before this litigation was instituted. It made new provisions as to the right to alienate allotments, and these provisions were to go into effect within 60 days after the approval of the act. The question arose as to whether, upon the expiration of that period, certain transactions, invalid at the time of the passage of the act, might not become so valid as to render any attempt to set them aside futile, if the suits were not previously begun. For that reason, and to avoid any question as to the timeliness of the suits, the work had to be done with enormous haste, and all the facilities then available were used to assemble the data to be gotten from the records, and it was obtained, as far as time would allow, and the greatest care was taken that could be taken to avoid mistakes. Notwithstanding that care, some of the reports relied upon were erroneous, and some transactions were included in the suits that ought not to have been included in the litigation, but these have been largely eliminated since. That has been a large part of the work of this force of representatives we have had at Muskogee during the period of quiescence, and in making these eliminations it has been open to anybody to show where mistake has been made, and in all cases the mistakes have been promptly rectified as established. Then a great many of the transactions have been settled by parties when they have been shown that they were in the wrong, giving quitclaim conveyances. Still others have been settled through the cooperation of the Secretary of the Interior by adjusting the transactions in accordance with the law and in accordance with what was fair and equitable so far as the Indians were concerned.

Mr. Chairman, the Seminole Indians of Oklahoma are one of the Five Civilized Tribes, and the provision of this bill relative to this tribe is as follows, viz:

Suits affecting title to Seminole allotted lands in Oklahoma: For the payment of necessary expense incident to any suits brought, including the salaries of attorneys specially employed to set aside illegal conveyances of Seminole allotments, to protect the possession of Seminole allottees in their allotted lands, or in the prosecution of any criminal proceedings based on frauds perpetrated upon Seminole allottees with respect to their allotted lands, to be expended under the direction of the Attorney General, \$15,000.

Mr. Chairman, the language in this Seminole paragraph is entirely different from the first one that I objected to; this authorizes suit to be brought to set aside illegal conveyance only, the other one authorizes suits to set aside any conveyance, as I have fully shown. The first language applies to all of the Five Tribes, the last only to the Seminoles. Why this difference? I have no objection—neither will any citizen of Oklahoma have any objection—to suits to set aside illegal conveyances made by Indians, where the Indian would be compelled to refund the consideration paid him for his land by his purchaser. I do, however, insist that the first provision in this bill, permitting these suits to be brought to set aside all conveyances of land heretofore made by all the Five Tribes except the Seminoles, is an unqualified outrage, if not a crime against the citizens of Oklahoma, especially those who have lawfully purchased lands from Indians.

If the conveyances were illegal, as in the Seminole cases, then I, as in the Seminole cases, would not object to these suits to set them aside. But this outrageous provision permits a citizen to be sued and harassed simply because he has bought land from an Indian and has a conveyance from him, without alleging or proving that it is an illegal or fraudulent sale.

The Seminole Indians are bitterly complaining of their treatment by the Government for withholding from them their patents or deeds to their lands. The law directs the Secretary to do this. He has refused, as I will show, without cause, in my judgment, to do so, and the only reason for his refusal suggesting itself to me is that time may be given to bring more of these unjustifiable suits against the purchasers of these lands.

On April 11, 1912, Mr. DAVENPORT introduced the following bill on this subject, namely:

A bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior is hereby directed to forthwith deliver all patents or deeds to Seminole allottees covering their respective allotments: *Provided, however,* That the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to avoid the same, or serve to remove restrictions that have not heretofore been removed by express act of Congress.

This bill was favorably reported May 14, 1912, by the Committee on Indian Affairs of the House and is on the Union Calendar of the House, No. 239.

The said report is as follows, viz:

(Union Calendar No. 239.)

[House Report No. 698, Sixty-second Congress, second session.]

PATENTS TO SEMINOLE ALLOTTEES.

Mr. FERRIS, from the Committee on Indian Affairs, submitted the following report to accompany H. R. 23184:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes, having duly considered the same, report the bill without amendment and recommend that it do pass.

The Seminole Tribe of Indians is one of what is known as the Five Civilized Tribes, all of the Five Civilized Tribes having taken their allotments, and the patents or deeds to the same having been delivered to the Choctaws, Chickasaws, Cherokees, and Creeks, but there has only been three patents or deeds delivered to the members of the Seminole Tribe of Indians.

In the Seminole Nation, the withholding of patents or deeds from the allottees has been, as shown by the testimony presented before the committee, detrimental to the allottee as well as detrimental to the honest farmer who desired to go into the Seminole Nation and purchase a home for himself and family, since the allotting of the Seminole lands.

Congress passed an act April 21, 1904, whereby it removed the restrictions from the surplus lands of adult freedmen in the Seminole Nation. May 27, 1908, Congress passed another act with reference to removing restrictions upon alienation upon lands of allottees in the Five Civilized Tribes, of which the Seminole Tribe is one. The provisions of that act removed all restrictions upon all allottees who were not Indians by blood, and upon the lands of all allottees who were Indian by blood but who were less than half blood, and upon the surplus allotment of allottees who were one-half blood or more and less than three-fourths Indian by blood. The act also gave the Secretary of the Interior, in his discretion, the right to remove restrictions upon application by the allottee from the lands of either the homestead or surplus allotments of those who are one-half blood or more than one-half blood and up to full blood.

In view of the fact that Congress has passed the acts of April 21, 1904, and May 27, 1908, removing restrictions from certain lands of allottees in the Seminole Nation and from a portion of allotments from other allottees, the committee believes that the patents or deeds to the lands should be delivered.

It will be noticed from the provision of the bill that the delivery of such patents or deeds shall not in any manner operate to validate any void or voidable titles or add to the weight of evidence required to

avoid the same or serve to remove restrictions that have not heretofore been removed by express act of Congress.

In the hearings before the committee it was further shown that because of the failure to deliver the patents or deeds to the allottees of the Seminole Nation that various parties who had purchased lands in the Seminole Nation and the allottees themselves were refusing to pay taxes on the land from which restrictions had been removed, thereby leaving the county without any funds for its running expenses and greatly reducing the school funds in said county.

The committee recommends that the bill pass.

Mr. Chairman, as chairman of the Committee on Indian Affairs of this House I have received many interesting letters favoring the passage of this bill, and among them was the following letter from John W. Willmott, an able and trustworthy attorney of Wewoka, in the Seminole country. This letter and the accompanying one written by the same writer to Senator OWEN are as follows, viz:

WEWOKA, OKLA., March 9, 1912.

To the honorable CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives, Washington, D. C.

SIR: A great injustice is being done the Seminole Indian Tribe and the white people of Seminole County, Okla., by the withholding of all patents to Seminole lands because a few frauds and forgeries have been committed. The Secretary of the Interior and the Attorney General have taken the view that all conveyances made of lands in Seminole Nation are void, notwithstanding the acts of Congress expressly removing the restrictions. An injunction against the collection of taxes has been obtained in the Federal court, and the county is in a very deplorable condition; and the delivery of patents, while it would not make valid a single invalid title or remove a single restriction that is not already removed, at the same time it would make titles merchantable where restrictions have been removed, and would make it so that in the future perfect titles could be obtained.

You will be surprised to learn that since the act of May 27, 1908, not a single restriction has been removed by the Secretary of the Interior as to Seminole lands, and not a single Seminole has been permitted to make a sale of his lands through the Interior Department; all, they say, because patents have not been delivered, and the Secretary of the Interior keeps the titles in doubt by withholding the patents.

While there is a crying need for the delivery of patents, and the condition here now is almost intolerable because of the dispute over titles, the Government proclaiming that there is not a good title in Seminole Nation, and we most earnestly desire that the patents be delivered, and that at once, we wish to be distinctly understood that we would like to have it provided in the act directing the Secretary of the Interior to forthwith deliver all Seminole patents; that such delivery of patent should not operate to make any land alienable which was not theretofore alienable, and should not operate to validate any title that was not theretofore legal and valid.

To put you on your guard, we will say that an effort is being made to get through Congress a bill seeking to have the patents delivered in such manner that they will operate as if delivered on the 4th of March, 1906, or that they will operate as if delivered in accordance with the provisions of the act of April 26, 1906. Now, to one unfamiliar with the Seminole situation this may seem not to be important, but if this is done it will operate to make valid a great multitude of questionable deeds made subsequent to the 4th of March, 1906, for hundreds or thousands of which sums of from \$5 to \$25 were paid, with no provision for any further payment. So that if the patents are delivered, they should simply be delivered with no language that can be considered to relate back, or, as we have suggested, with express language providing that the delivery shall not operate to remove any restriction not theretofore removed by Congress or to validate any deed taken prior to the removal of restrictions.

That you may more fully understand the situation, we have attached hereto a copy of a letter sent by us this day to Senator ROBERT L. OWEN.

It may work a hardship upon you, pressed, as you no doubt are, for time, to read this letter and the one attached, but if you will heed the suggestions of this letter you have an opportunity to prevent a great wrong, to render by vigilance a great public service, and to confer upon the Indians a benefit as great as was ever conferred upon them.

I may say that the district court of Seminole County has already held these conveyances made subsequent to March 4, 1906, and up to the 27th of July, 1908, by Indian citizens as distinguished from freedmen void and unenforceable, and is canceling them just as fast as they are brought before the court, and it would be a very great wrong to have any of this class of deeds validated by an act of Congress passed in conjunction with the delivery of patents.

We have the honor to remain,

Yours, very truly,

JOHN W. WILLMOTT.

MARCH 9, 1912.

HON. ROBERT L. OWEN,

United States Senator, Washington, D. C.

DEAR SENATOR: Having resided at Wewoka for about 11 years, and having a home and family and good law practice here, I am naturally much interested in the present and future of Seminole County; and I want to take the liberty of writing you, Senator, about some matters which have troubled us greatly in this particular locality and concerning which, I believe, you can aid us.

The subject I have in mind is the confused state of our land titles and the practical impossibility of getting relief except through some positive and unequivocal act of Congress.

You will recall that at various times, and lately with particular clearness in the *Marchie Tiger* case, the Supreme Court has held that in the matter of restrictions upon the power of the Indians to alienate their lands the will of Congress is supreme.

Having special regard to the Seminole Indians, as one of the Five Civilized Tribes of Indians in Indian Territory, Congress by the act of April 21, 1904, removed all restrictions upon the power of alienation of all citizens of said tribe not of Indian blood, except minors, and except as to their homesteads. By plain language this made all surplus lands of adult freedmen and intermarried whites having no Indian blood alienable; and many good, honorable citizens, relying upon the language of this act, so plain in its terms that it is not susceptible of misconstruction, went out and bought farms and have moved upon and

improved the same at the expenditure of a large amount of labor and money.

Again, in the act of Congress of April 26, 1906, it is provided that the adult heirs of any deceased allottee of either of the Five Civilized Tribes to whom a patent has been issued or whose selection has been made may sell and convey the lands so inherited with a provision that the deeds of full-blood heirs must be approved by the honorable Secretary of the Interior, and the same act made the rolls conclusive as to the quantum of Indian blood. Plainly, this act applied to the Seminoles. And again, citizens of this county and others went out and purchased lands in good faith, relying upon this act of Congress. By its express terms this very clause above referred to relieves from the necessity of a patent, if there were ever such a necessity, and says the adult heirs of any deceased allottee * * * whose selection has been made may alienate. In another paragraph in the same act Congress expressly provided that no conveyance of any land of any of the allottees of the Five Civilized Tribes made subsequent to the removal of restrictions should be held invalid, solely because no patent had issued for the land. We do not believe that any fair-minded lawyer or judge could either contend or hold that the two acts above mentioned did not apply to the Seminoles for the sole reason that they had no patents for their lands. This last act of 1906 made alienable all lands inherited by adult mixed-blood Indians, as shown by the rolls; all lands inherited by adult freedmen and intermarried whites; and all lands inherited by full bloods, provided the deeds should be approved by the honorable Secretary of the Interior.

By the act of Congress of May 27, 1908, as you well remember, by language that applies with equal force to the Seminoles, as well as any other of the Five Civilized Tribes, it is provided that all of the lands of citizens not of Indian blood; that all of the lands of those less than half-blood Indians; that all of the lands of half-blood Indians except their homesteads shall be alienable without any restriction whatever; and that the homesteads of all half bloods and over, and the entire allotments of all over half bloods shall be alienable with the approval of the Secretary of the Interior.

These are the acts of the Congress of the United States upon which the good people of Seminole County, Okla., and others, including the Seminole citizens themselves, have relied for authority to deal with the lands of the Seminole Tribe. We submit they are plain enough for anyone who honestly seeks to arrive at their correct meaning.

Now, it is true, Senator, that there were a few evil men in Seminole County; and the opportunity for speculation was such, when the restrictions were removed, that some frauds were perpetrated and some crimes committed. This, however, is not different from what happened in other communities. The great body of the people of this county are a good, honest citizenship who condemn and deplore the fact that frauds and crimes have been committed; and it is upon this worthy class of people, in conjunction with the Indian citizens themselves, that the hardship of the present confused condition rests.

After the bulk of the lands from which restrictions had been removed by the provisions of the above acts had been sold and gone into the hands of white purchasers and the field for speculation had narrowed down, the grafter element, if I may call them such, began to cast about for a means by which some hold could be gotten on the lands that were still restricted, but which would likely soon pass out from under restrictions. This situation and this desire led to the development of a theory among the more astute of the grafter element; and it was this theory in the main that has brought upon us most of our present troubles, though some flagrant frauds and forgeries perpetrated in securing lands from which Congress had actually removed the restrictions may have been a participating cause.

If I may impose upon your time to such extent, I would like to explain to you this theory to which I have referred, for I believe that it is very material for you to understand it. I am as sure as I am of anything, Senator, that while you earnestly desire to aid the good people of Seminole County in this matter, you would never knowingly do any act which would forward to any extent any illegal or unlawful scheme to validate questionable titles. This theory, if accepted and made law, would work untold hardship upon a great many poor and helpless people.

You will recall that the Seminole treaty providing for the allotment of the Seminole land, also provided that "all contracts for the sale disposition or encumbrance of any part of any allotment made prior to date of patent, should be void." That was the only provision relative to restrictions upon alienation. There was nothing in that treaty that directly fixed the date when patents should issue. It was provided, however, that upon the extinguishment of the tribal government, the principal chief of the tribe should execute patents for the allotments. No time was fixed by this original treaty, however, for the extinguishment or dissolution of the tribal government, and we think it fair to assume that that was left for Congress in its discretion to fix. By the Indian appropriation act of 1903, it was provided that the Seminole tribal government should not continue longer than the 4th of March, 1906, and further provided that the Secretary of the Interior might at the proper time provide suitable patents, and have them delivered as theretofore provided by law. On March 2, 1906, the Aldrich resolution was passed, providing for the continuance of the existence of the tribal governments of the Five Tribes, and a similar provision was embodied in the act of April 26, 1906.

Now, the contention was made by a few lawyers here, who were principally engaged in the real estate business, that the Aldrich resolution was ineffectual to accomplish the purpose for which it was designed; that the act of Congress of 1903, fixing the 4th of March, 1906, as the time when the tribal government should expire, and by inference fixing the time when the patent would issue, gave the allottee a vested right to his patent on the 4th of March, 1906, or within a reasonable time thereafter; and that the patents were consequently due to issue on the 4th of March, 1906, and were in law consequently, the same as issued, and being the same as issued, the restrictions had at that time passed off entirely, inasmuch as the act of signing or delivery of patent was fixed by the original treaty as being the act which should effect the removal of restrictions. They therefore said the act continuing the tribal government, or assuming to do so, did not accomplish its purpose, or was not intended to continue the existence of the tribe for all purposes. They therefore, and when I say they, I mean a few individuals, believing in this theory—started out, making no distinction as to any of the land, for if the patents were the same as delivered and the restrictions thereby removed, all restrictions would be off, and the freedman, the mixed blood, and the full blood would stand upon the same ground and be equally free. They therefore entered into a gigantic plan of acquiring deeds to all of the lands of the tribe, practically the whole county. In a very few months, practically all of the lands of full bloods, mixed bloods, freedman homesteads

were covered by warranty deeds. In these transactions, in most cases, though large considerations were inserted in the deeds, and receipt of the same acknowledged, only very small sums were paid; for instance, in full-blood cases, hundreds of deeds were obtained for \$5 paid, and the amount paid ran up in this class of cases possibly to \$25 or a little more in some instances. We find in our practice that some such a conversation as this is reported to have taken place when these instruments were obtained. The proposing purchaser says: "Now, we can't buy your land now, but we just take a deed to it, and pay you a little money, and if it turns out that our deed is good, we will come around later and buy the land from you and pay you for it, and of course if it turns out that our deed is not good you will simply have the amount of money we now pay you and be ahead that much." We do not exaggerate the extent of this business when we say that practically the whole county was covered with these transactions. Not all of the transactions were alike; some men proceeded in good faith, and said to the Indian: "I will give you a written contract; if the courts should hold this deed valid, I will pay you the amount of money named in the contract, and the land shall be mine"; and in many cases the transactions were thoroughly understood by the Indian, though the considerations were very small.

Now, it was with the county in this condition that the matter was called to the attention of the Secretary of the Interior and to the Attorney General. About the same time complaints somewhat similar were going up from the other nations, but we believe in none of them was there any such theory as has here developed. It was determined to file the Federal land suits at Muskogee; and as to the Seminole Nation, unlike the other nation, on account of this widespread taking of deeds to everything, it was decided to recognize no land as free from restrictions and no titles good, but to sue everybody who had taken a deed, without regard to the nature of his title, and this was done. Before the Government could bring itself to this point it had itself to search diligently for a theory by which it might hope to overthrow all transactions in the Seminole Nation and prove that none of the titles here are good; and the feature of no patents delivered standing out prominently, it was seized upon by the Government as the basis of its theory that since no patents had been delivered it could not be supposed that Congress would permit the Seminoles to sell their land, and therefore Congress did not intend the removal of restrictions acts to apply to the Seminoles, for the Seminoles had no such title to their allotments as those acts could attach and operate upon. That I understand to have been Mr. Russell's contention. I do not think you will find a lawyer anywhere, in the Attorney General's Department or out of it, who will not admit that that theory is preposterous.

Consequently everybody in the Seminole Nation or out of it who had a deed to a tract of land in the Seminole Nation was sued by the Government. Those suits were filed in 1908 and subsequently; none of them have been tried; many have quitclaimed, but none have been canceled; appeals have been taken on questions of pleading, and an opinion is now and has long been expected from the United States Supreme Court in the Allen and other cases. Some hope but few expect that the Supreme Court will go further than to pass upon the three points decided by Judge Campbell and the United States circuit court of appeals at St. Louis, viz, as to whether the bills were multifarious, whether the allottees were necessary parties, and whether the United States had such an interest that it could sue. It is generally expected that the Supreme Court will confine itself to the points passed upon by the courts below. In the meantime the people have suffered for going on four years, with no end in view. The Secretary of the Interior, upon advice of the Attorney General, fearing that the suits may be spoiled, is withholding the patents; and although allotment was completed in the main in 1901 and 1902, with some small allotments to new borns later, only two patents have been delivered in the Seminole Nation. And the hardship upon the people is very great. There is an injunction against the collection of taxes upon every foot of land in Seminole County, although the United States circuit court at Muskogee held all of the land alienable from which Congress had in terms removed restrictions. And our State supreme court has held that the lands are unrestricted and alienable in those cases where Congress has removed the restrictions, notwithstanding the nondelivery of patents. But the injunction remains in force, by appeal or otherwise in the Federal court, and there has not been a tax sale of land in Seminole County in the five years since statehood outside of the incorporated towns, and with the injunction in force the treasurer can not enforce collection, and the people will not voluntarily pay, and you can imagine our condition. Our county is bankrupt, and the burden of taxation is borne by a few, and the land which is really alienable and taxable is not—at least at present—bearing any portion of the burden of government.

We don't think it would be polite to write you what we think about the policy of the Government in bringing those suits like they did. It was wrong, Senator, to sue everybody who had bought Seminole land when Congress had made a large part of the land alienable. I was born a free man, Senator, and have the good, red Saxon blood in my veins that made this country a free country, and I shall never forget the wrong perpetrated in this instance by our own National Government upon a great number of innocent and unoffending people just because, forsooth, some few men had violated the law. It violated every principle of our ideas of law and justice and is what I call governmental oppression.

Now, the people of Seminole County want some relief and they want it badly; and when I say the people of Seminole County I don't mean a little group of land buyers, but I mean the bone and sinew of this county, the people who till the soil, who rear the homes, who pay the taxes to meet the expenses of government, and who really constitute the body of the county.

Senator, having an eye to the possible remedy, I would invite your attention to the fact that with regard to the Seminoles Congress has abandoned the idea of the delivery of patents marking and effecting the passing off of restrictions, and, along with the other tribes, has included the Seminoles, and by the various acts of Congress, particularly the act of May 27, 1907, says in plain language what land is restricted and what is not. Now, isn't it perfectly plain that the delivery of patents, if made at this moment, would not make a single title good in Seminole County which is not already good? It would not give any additional advantage to any man who has a bogus or bad title, but it would confer upon us the immeasurable benefit of making those titles which are already good marketable or merchantable, and it would provide a means by which a man in the future could obtain a title which would be good beyond question. Why, at the present time Seminole County and the Seminole Nation has the "black eye" so far as land titles are concerned, and a man with means can not be induced to get off the train in this country for the reason that he has been advised

that the Government has sued everybody in Seminole County and won't give them patents, and titles are no good there, and consequently he passes us by. Now, this is a deplorable condition and very unjust to the Indians and to the majority of the white settlers. And this reputation that we have acquired, would you believe it, has been given us by our own National Government to a large extent. Why, it has not been a week since a Government employee told me in my law office here that it was his instructions from the Government offices at Muskogee to inform both white settlers and Seminole allottees that all titles in the Seminole Nation were bad. Now, isn't that infamous; isn't that as inexcusable and as indefensible as anything could be? We may be biased and prejudiced in the matter, Senator, and our judgment may not be good, but 11 years of this mismanagement has made us sick and sore of the situation. It has affected many other likewise, and very many good citizens disheartened and fearing that unfavorable conditions would continue have moved away to more favorable parts of the State where good titles may be obtained or to other States.

Now, as I said, it is quite apparent, we think, that no harm could come from the delivery of patents at this time, and the good to the community would be immeasurable. The delivery of patents would not affect the suits at Muskogee, in our judgment. We can not see how it would make any title good that is now void because in violation of restrictions.

Do you know, Senator, that since the act of 1908 not one full-blood Seminole Indian has been able to get his restrictions removed. Not one piece of full-blood Indian land has been sold since May 27, 1908, although that act provides that the Secretary of the Interior might remove restrictions, just like as to the members of the other tribes. The honorable Secretary, we have been informed by the Government offices, would not entertain an application from a full-blood Seminole to remove his restrictions inasmuch as no patents had been delivered in the Seminole Nation.

In recent months we have been told that applications might be made for patents through the office of the Assistant Attorney General, Mr. James E. Gresham, at Wewoka, and if the party applying is willing to submit to the appraisal of some Government officer and pay an additional consideration he may, after many months of waiting, obtain the delivery of patent to the allottee. Only two or three patents have been obtained in this way, upon applications made very many months ago. You can readily see that this plan is impracticable and must fail. People who have bought and paid for land in good faith and believe they have title to it under acts of Congress will not readily submit to an appraisal and to the demands that they pay an additional consideration fixed by some Government appraiser. It does not meet with favor, and the method is too slow and cumbersome and nothing would ever be accomplished, and it would be years before any considerable portion of the land would be subject to taxation.

The only reason we can see, Senator, why the patents should not be delivered is that thereby there would be additional value and salability given to certain fraudulent transactions. Certainly there is no objection to delivering patents to all restricted lands, and they should be delivered at once. Then if it were possible or practicable to ascertain in what cases frauds or forgeries have been perpetrated those patents might be held up, but let all other patents be issued. Now, it would be a difficult matter to determine just in what cases frauds and forgeries have been perpetrated, for those things are usually determined at the end of hard-fought lawsuits; and to go into those matters otherwise than through the means of a lawsuit would amount to an inquisition, and, it occurs to us, would be a very difficult proposition to provide for. It may be that it would be best and the most practicable thing that could be done to deliver all of the patents without any exceptions. This would not help to remove any restrictions, as we have explained. It would not affect the Indian-land suits one way or the other; and those suits can not reach frauds and forgeries, for they plead only violation of restrictions and general fraud, which can not be proved, as any lawyer knows the facts constituting the fraud, in order to admit proof, must be specifically pleaded.

So we would urge, Senator, that the condition here is unbearable; it is intolerable at present; and if you can assist in securing the delivery of patents to these people, with a provision, if you please, in the act that the delivery of the same shall not operate to remove any restriction that has not theretofore been removed by Congress; but by all means let us have the patents, and it made so that a man by following the law may obtain a good title, and so that taxes may be collected.

One thing, Senator, I wish to call specially to your attention: If the patents are ordered delivered by Congress, I deem it quite important that this shall not be done in such a way as might be construed to validate any of the questionable deeds heretofore made in violation of restrictions. It would be best, I think, if the deeds could be delivered to the allottees without any legislation at all—simply have them handed out. But if an act is necessary to having this done by the Secretary, I think that act directing their delivery should specifically say that the delivery of patents by the Secretary in conformity with the provisions of this act shall not have the effect to remove any restrictions that were not theretofore removed by express language of Congress, and should not operate to validate any conveyance of any allotment not theretofore valid.

It would seem to us also desirable, Senator, if it could be accomplished, if all those suits pending at Muskogee could be dismissed where the conveyances sought to be canceled were made by permission of any act of Congress; and an act directing their dismissal in such cases, or merely making it plain that all acts heretofore passed by Congress relative to the Five Civilized Tribes providing for the removal of restrictions shall be held and construed as applying to the Seminole Nation or Tribe, notwithstanding the fact that no patents had been delivered to the allottees of said tribe.

I have probably written you at too great length, and you will doubtless be weary when you have read this letter, but these matters are very much on our minds and hearts. Our home country is suffering because of these conditions, and we have desired to put the matter fully before you and ask that you do your best to assist us in obtaining relief. With kindest personal regards, I am, believe me,

Very truly, yours,

JOHN W. WILLMOTT.

Mr. Chairman, Mr. Kneable, the Government attorney I have mentioned, made this remarkable statement in the hearings before this committee. In speaking of bringing so many suits to set aside these Indian conveyances, he puts in this plea of confession and avoidance, viz:

Notwithstanding that case, some of the reports relied upon were erroneous, and some transactions were included in the suits that ought not to have been included in the litigation, etc.

Let me inquire why this great haste? Why file in court 30,000 cases against that many citizens without first ascertaining whether the conveyances were illegal or not? He evidently presumed the conveyances illegal because they were made by an Indian. My belief is that these suits were filed by him so he and other attorneys and employees could hold their jobs, and without regard to the poor citizens he was thus harassing and cruelly wronging.

The vilest criminal under indictment, when arraigned before a court, is "presumed to be innocent until his guilt is established by competent evidence beyond a reasonable doubt." Yet these irresponsible Government attorneys have reversed this rule and presumed these 30,000 defendants in these suits to be guilty of robbing the Indians. One of these suits was brought to cancel a conveyance made by Congressman CARTER, an Indian allottee and the Member of this House who has just addressed this committee. If this Government attorney would file a suit to set aside the conveyance of such an Indian as Mr. CARTER, would he not file other suits with as little justification?

Mr. Chairman, I think Mr. Wilmott was perfectly justifiable in making in his letter to Senator OWEN the following statement, viz:

We don't think it would be polite to write you what we think about the policy of the Government in bringing these suits like they did. It was wrong, Senator, to sue everybody who had bought Seminole lands when Congress had made a large part of these lands alienable.

Mr. Chairman, I have made these remarks chiefly for the purpose of bringing to the attention of this House and the country the necessity of passing House bill 23184, above alluded to, which bill will compel the Secretary of the Interior to deliver these patents of Seminole lands to the Indian allottees entitled to them, thus by law compelling the Secretary to do his duty as an officer of this Government.

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTLETT. I ask unanimous consent that I may revise the remarks I made to-day.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks leave to revise his remarks. If there be no objection, that leave will be granted.

There was no objection.

The Clerk read as follows:

Enforcement of acts to regulate commerce: For expenses of representing the Government in all matters arising under the act entitled "An act to regulate commerce," approved February 4, 1887, as amended, including traveling expenses, to be expended under the direction of the Attorney General, including salaries of employees at Washington, \$10,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. A few moments ago we had a little discussion here concerning the amount to be appropriated for the enforcement of the antitrust law. In the course of the few remarks which I made I stated that the department had estimated for \$300,000 for the ensuing year. My colleague from Illinois [Mr. CANNON] had previously made the same statement. The gentleman from New York [Mr. FITZGERALD] in charge of the bill, stated that the estimate was \$250,000, and he lectured the Department of Justice in his most sarcastic manner, saying that of all departments of the Government certainly the Department of Justice ought to know how to follow the law in making an estimate and that the mere statement of one of the officials before the Committee on Appropriations was not an estimate, and that the Department of Justice had no right to assume that the statement of an official before the committee was an estimate; that the Department of Justice in charge of the legal branch of the Government ought to know enough, when it wanted additional money, to make an estimate in the proper way.

I might repeat all that the gentleman said concerning the Department of Justice and insert "the gentleman from New York" instead of the words "Department of Justice," because the chairman of the Committee on Appropriations, coming into this House with this great bill under his charge, ought to know what estimates have been made and referred to his committee, and when he argues in the House against an appropriation proposed, or an amendment proposed, on the ground that the estimate has not been presented to his committee, that they have had no supplemental estimate, when it was referred to his committee on May 3 last, he shows that he has fallen down once, at least.

I hold in my hand a copy of the estimate; a copy of a letter from the Secretary of the Treasury, dated May 3, 1912, transmitting to Congress an increase in the estimate of appropriations for the enforcement of the antitrust law from \$250,000 to

\$300,000, which contains a copy of the letter from the Attorney General making the estimate "for the enforcement of antitrust laws, including salaries of necessary employees at the seat of government, \$50,000," as a supplementary estimate for the enforcement of the antitrust laws.

I commend to my friend from New York that before he reads too many lectures to the Department of Justice for failure to know the law he should study more carefully the duties devolving upon him as chairman of the Committee on Appropriations.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Illinois is correct; there was a supplemental estimate.

Mr. MANN. I stated awhile ago that the gentleman from Kansas could assume that when I made the statement on the floor it was correct.

Mr. FITZGERALD. I did not hear the statement of the gentleman. The statement of the Assistant Attorney General was made as to the necessity for additional money. I had to remind him that in order to have an estimate considered it was necessary to submit it in compliance with the law. I was justified, if I did make a mistake unintentionally in my statement, in calling the attention of the Attorney General himself to the law, and he was compelled to admit during the present session of Congress that he never had his attention called to a certain statute. It was necessary that he be familiar with it in order to make up the estimates for Congress.

I think I was right in what I said about the department the officers of which seem to imagine that the laws are binding on every department except the Department of Justice. There is no harm in calling attention to the fact. I never claim to be above error. I know that I frequently make mistakes, but I always try to admit that I am mistaken when I find that I have made a mistake, and I commend that characteristic of myself to other gentlemen in the House.

Mr. BUTLER. Freely forgiven, and let us go on with the bill.

Mr. MANN. In this case no other gentleman has occasion to pray for forgiveness except the gentleman from New York.

The Clerk read as follows:

The furniture and other property belonging to the Court of Commerce is hereby turned over to the Department of Justice to be used by the department or disposed of at public sale as the Attorney General shall direct.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph. I will reserve it for a moment.

Mr. BUTLER. This seems to be a sale before the funeral takes place.

Mr. MANN. If the Commerce Court is abolished this provision ought to go in, but that question is likely to be in conference between the two Houses, and if the provision is inserted in any place it ought to be in the legislative bill in connection with the Commerce Court.

Mr. FITZGERALD. Both Houses have agreed to the provision abolishing the Commerce Court.

Mr. MANN. I think it would be in conference; there are a number of Senate amendments that have been agreed to.

Mr. JOHNSON of South Carolina. There is no Senate amendment to the proposition abolishing the court.

Mr. MANN. There are several Senate amendments to which could be attached a rider like this in relation to the Commerce Court.

Mr. FITZGERALD. I can explain the purpose of this provision.

Mr. MANN. Everybody knows the purpose and nobody questions it.

Mr. FITZGERALD. Under the decision of the comptroller, if no disposition is made of this furniture, it would be necessary to sell the effects at public auction.

Mr. MANN. Well, it could be carried in the deficiency bill. It does not belong in this bill.

Mr. FITZGERALD. We thought this was a good time to take care of it.

The CHAIRMAN. The point of order is sustained.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUCKER of Colorado having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendment of the Senate to bills of the following titles:

H. R. 18712. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 20628. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy,

and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22867. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 23515. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 22194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 23765. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 18849. An act for the relief of the Winnebago Indians of Nebraska and Wisconsin;

H. R. 20480. An act excepting certain lands in Lawrence and Pennington Counties, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves";

H. R. 20593. An act to authorize the Norfolk & Western Railway Co. to construct sundry bridges across the Tug Fork of the Big Sandy River;

H. R. 23460. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of the Big Sandy River at Marrowbone, Ky.; and

H. R. 23461. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Russell Fork of Big Sandy River at or near Millard, Ky.

SUNDEY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

On and after July 1, 1912, the clerk of the District Court for the Northern District of Illinois shall be compensated for his services as such clerk as other clerks of United States district courts are compensated.

Mr. MANN. Mr. Chairman, I reserve the point of order. The clerk of the District Court for the Northern District of Illinois now receives a fixed salary, and I am not willing to have this assault made upon him. I therefore make the point of order.

Mr. BARTLETT. May I ask the gentleman what his point of order is?

Mr. MANN. This is repealing a law that is now on the statute books. The law provides specifically for the compensation of the clerk of the district court at a fixed salary. This proposes that he shall be paid by fees.

Mr. BARTLETT. Paid as other clerks are.

Mr. MANN. They are paid by fees. I think this is the only place in the United States where the clerk gets a fixed salary.

Mr. FITZGERALD. Under the law to-day, I am informed, the compensation of all clerks is limited to \$3,500, to be paid out of the fees of the office. The clerk in this court is specifically appropriated for. It is dropped out of the legislative bill and provision is here made that he shall be paid as all other clerks are, out of the fees of the office, up to \$3,500.

Mr. MANN. This is a clear change of existing law. Nobody denies that it is subject to the point of order.

Mr. FITZGERALD. It is subject to the point of order.

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such persons shall be employed during vacation; for the payment of the expenses of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska and Hawaii, as provided by section 259 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court, and of meals and lodging for jurors in Alaska, as provided by section 193, Title 11, of the act of June 6, 1900; and of compensation for jury commissioners, \$5 per day, not exceeding three days for any one term of court, \$275,000.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment at the end of line 13, page 119, which I will ask the Clerk to report.

The Clerk read as follows:

Page 19, line 113, add, after the word "Illinois," at the end of the line, the words "and the northern district of Georgia."

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

Mr. HOWARD. Mr. Chairman, as I understand it, recently Congress passed an act allowing the courts not to exceed five bailiffs. They have picked out the southern district of New York and the northern district of Illinois as only two courts that can have more than three bailiffs under the law. The northern district of Georgia is sixth in the volume of business done in the United States courts of our country. The necessity for the full amount of bailiffs for the northern district of Georgia is this: The judge of that court, residing in the city of Atlanta, holds court in Rome, Athens, Columbus, Elberton, and Atlanta. These cities are at an average distance of 100 miles from the city of Atlanta. When the judge of the northern district of Georgia goes to one of these particular places to hold court it is almost essential for the expedition of business at those places that he have a bailiff who is familiar with the people in those particular towns to attend the court. I do not see any reason why the southern district of New York and the northern district of Illinois should be picked out to allow more bailiffs than is allowed for the northern district of Georgia. The amount of business actually done by the southern district of New York and the northern district of Georgia is not a very much greater amount when compared with the northern district of the great State that I in part represent.

Mr. FITZGERALD. Oh, the gentleman is very much mistaken about that.

Mr. HOWARD. It may be a few hundred thousand dollars more, but that does not amount to anything. There is no more work to be done in the southern district of New York.

Mr. FITZGERALD. There are four United States district judges in the southern district of New York.

Mr. HOWARD. Yes; the gentleman has four judges to sit there, but his four judges do not do any more work than my one judge in the northern district of Georgia. We are energetic down there, and try to earn our salaries by rendering efficient service to the Government. In the southern district of New York and in the northern district of Illinois those judges never leave the city of New York or the city of Chicago. In Georgia the judge travels over the whole northern part of the State, and holds court at five different places, and he is entitled to these five bailiffs, so that he can go there and have his business arranged with these bailiffs, who are acquainted with the people in the different towns, so that when he wants witnesses, jurors, or talesmen he may send and get them. I think it would be a wise provision for this committee to adopt this amendment and allow this district to have these extra bailiffs, because I think it would save more than their salary for 12 months.

Mr. FITZGERALD. Mr. Chairman, more than 20 years ago an investigation disclosed such an abuse in the appointment of bailiffs by the Federal judges that the limitation as contained in the bill, excepting the southern district of New York and the northern district of Illinois, was framed by the Committee on Appropriations.

Mr. HOWARD. If the gentleman will permit, I would like to state to the committee that there has never been any abuses of any privileges by the distinguished jurist, Hon. William T. Newman, who presides over this court in the northern district of Georgia.

Mr. FITZGERALD. It is not of recent origin. Since that time there has never been any difficulty about the bailiffs for these courts. The gentleman from Georgia states that the district of which he speaks is sixth in the order of business.

Mr. HOWARD. That is true.

Mr. FITZGERALD. Why not provide for the other three districts which have a larger business in addition to the districts mentioned, so that they can be adequately provided for? There is no complaint from the judges, no complaint from the Representatives except the gentleman from Georgia. The gentleman is very much mistaken about the amount and character of business transacted in the district from which he happens to come and in the southern district of New York. The volume of law business that concentrates in the city of New York because of the great commercial, maritime, and business interests that are centered there is enormous. The city itself has four and a half millions of population, and it contains in large part two United States districts. My recollection is that in the southern district of New York there are four district judges. In

the eastern district, which is just across the river and includes Long Island, there are two United States district judges, and in addition it is necessary to have assigned from time to time additional judges to dispose of the marvelous amount of business that naturally comes to the courts. The gentleman is very much mistaken about the amount of business, and I am sure if he had had an opportunity to look into the matter he would not have made the mistake.

Mr. HOWARD. If the gentleman will permit, I will state I have had an opportunity, because when the Committee on the Judiciary were fixing clerks' salaries I made a personal investigation of the amount and volume of business of the courts of the United States, and I do know as a positive fact that the northern district of Georgia was sixth in the amount and volume of business done in the United States.

Mr. FITZGERALD. I have not challenged that statement of the gentleman. The gentleman said the difference between the amount of business done in that district and in the southern district of New York was insignificant, and I am sure he is mistaken in that statement.

Mr. HOWARD. The gentleman stated that the judge in this particular district had not asked specifically for it. I want to state to the gentleman the very reason I introduced this amendment at this particular point was at the instigation of the Hon. William T. Newman, judge of the northern district of Georgia, and he said it was absolutely essential that he should have five bailiffs, holding courts at five different places. That is the reason I introduced it.

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. For the information of the Chair can the gentleman from Georgia furnish the authorization for the increase that has been proposed?

Mr. HOWARD. Mr. Chairman, I have not the law before me at this moment, but I understand that the recent act of Congress provided for five bailiffs in each of the district courts of the United States—that you could not exceed five bailiffs. Now, they made an exception to this particular rule or law by putting in the southern district of New York and the northern district of Illinois.

The CHAIRMAN. The burden of proof is upon the gentleman from Georgia, and the gentleman failing to produce it, the Chair sustains the point of order, and the Clerk will read.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent of the chairman of the Committee on Appropriations if he will permit this particular item to be held in abeyance for a few moments until I can get the statute. I would like to inform the Chair. I did not know it would be reached so soon or I would have been prepared.

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. If the matter is in order, I have no desire to take an unfair advantage of the gentleman, of course.

Mr. MANN. What is the request?

The CHAIRMAN. That the item be passed for the present.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order. Let us vote on it.

The CHAIRMAN. The point of order is withdrawn. The question is on the adoption of the amendment.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. HOWARD) there were—ayes 12, noes 31.

So the amendment was rejected.

The Clerk read as follows:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, \$490,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York if he can state briefly for what purpose this \$490,000 is used? It appears from looking over these items of this bill for the Department of Justice that nearly every specific thing is provided for and yet there is an authorization of \$490,000 provided for miscellaneous expenses. Just what those miscellaneous expenses can be, I can not imagine.

Mr. FITZGERALD. One item is that every United States judge has a clerk now who is paid out of this fund.

Mr. SHERLEY. If the gentleman will permit, we will find on page 1557 of the hearings a detailed report. For instance, there were:

Accountants	\$9,241.57
Handwriting	2,495.50
Medical	3,547.00
Real estate	2,027.00

Bank examiners and assistants	\$3,190.00
Others	28,437.91
Abstractors of titles	995.48
Interpreters	11,446.45
Masters in chancery	5,008.24
Stenographers and clerks, permanent	142,045.48
Stenographers and clerks, temporary	60,070.45
Witnesses, other than expert	1,568.75
Messengers	58,734.05
Janitors	5,047.33
Other personal services	28,771.74

Mr. GARNER. I would like to ask the gentleman from Kentucky if these different items are authorized by law?

Mr. SHERLEY. Yes, sir; I think they are.

Mr. GARNER. What is the salary of the clerk?

Mr. SHERLEY. I do not find the item for clerk.

Mr. GARNER. There is the item of "stenographers and clerks, permanent."

Mr. SHERLEY. Nine hundred dollars, I think.

Mr. GARNER. That is the rate fixed by law?

Mr. FITZGERALD. No; it is not fixed by law.

Mr. SHERLEY. That is what they are paid.

Mr. FITZGERALD. I think they are fixed by the Attorney General.

Mr. GARNER. Clerks to the judges?

Mr. FITZGERALD. To the judges; yes.

Mr. GARNER. When was this statute passed allowing the judges clerks?

Mr. FITZGERALD. There is no specific statute.

Mr. GARNER. I ask the gentleman if they were not all authorized by law, and the gentleman from Kentucky thought they were.

Mr. SHERLEY. I know they are, or they would not be approved by the auditor.

Mr. FITZGERALD. They are under miscellaneous expenses of the court. The Attorney General makes allowances, and unless they are authorized by law the accounting officers do not approve them.

Mr. GARNER. If I understand the gentleman from Kentucky [Mr. SHERLEY], his suggestion is that they are authorized by law, because the Attorney General O. K.'s the voucher, and that makes it law?

Mr. SHERLEY. The gentleman made no such statement or anything like that. I said if they were not authorized by law, the voucher would not be paid.

Mr. GARNER. I would like to know when the statute was passed authorizing clerks to district judges.

Mr. FITZGERALD. I do not know of any statute which specifically states that every United States judge shall have a clerk.

Mr. GARNER. Let me make myself understood. How is the clerk to a judge authorized by law, when there is no statute authorizing it?

Mr. FITZGERALD. Because it is considered as a necessary expense in the conduct of the court, and the Attorney General, in the exercise of a certain discretion lodged in him, makes that allotment.

Mr. GARNER. Then I get that back to the original point, that the auditor in this accounting passes on it when the Attorney General decides it is necessary expense to the court, regardless of what the statutes may be?

Mr. FITZGERALD. No; I do not think that at all. The gentleman is certainly mistaken in this respect. It is not necessary in order to spend money for some particular item that there should be a statute saying that that very item shall be obtained, or purchased, or employed out of a particular appropriation. There is a general authority.

Mr. HAMLIN. I think there is a general statute giving the Attorney General the right to do this.

Mr. GARNER. Then, if the Attorney General shall decide that any judge shall have two clerks, they can be granted to him?

Mr. FITZGERALD. If the appropriation be made.

Mr. GARNER. I mean under this lump sum he can allow as many clerks as he sees proper? Has the gentleman from New York [Mr. FITZGERALD] examined these items and interrogated the Attorney General as to the necessity for this amount of money being appropriated for this purpose?

Mr. FITZGERALD. There was an examination. Detailed information was not obtained until after the hearing had been had. The committee has recommended a provision in this bill which is designed in the future to have that information in the committee before the hearing is had.

There is a deficiency in this item for the current year. I think myself there is somewhat of a question as to the right of the Attorney General to incur deficiencies in this item, but there is an estimate for a deficiency in the current year.

Mr. GARNER. Considering the number of lump-sum appropriations made for expenditure under the jurisdiction of the Attorney General, I think an itemized statement is certainly required. They may not be large in this bill, but they are certain to attract the attention of the Members of the House—the number of lump appropriations.

Mr. FITZGERALD. The committee appreciates the situation. The committee has endeavored to ascertain the best method of obtaining information, not only for the use of the committee, but for the use of the Members of the House generally. The committee recommends in the bill a provision requiring that as to all estimates exceeding \$250,000 a statement shall be made each year in the Book of Estimates, in which shall be given in parallel columns the appropriations for the fiscal year just preceding and the sum required for the same purpose in the next ensuing fiscal year. It is believed that if the information is furnished in that way the Members of the House and the committee itself will be much better able, in the preparation of these bills, to determine what should be granted and what restrictions, if any, should be placed upon the expending authority.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For subsistence, including supplies for prisoners, warden, deputy warden, and physician, tobacco for prisoners, kitchen and dining-room furniture and utensils, and for farm and garden seeds and implements, and for purchase of ice if necessary, \$40,000.

Mr. BEALL of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BEALL].

The Clerk read as follows:

Line 13, page 121, strike out "\$40,000" and insert the following: "\$42,500, of which sum not exceeding \$1,000 shall be used for the subsistence of the warden and not exceeding \$750 for the subsistence of the deputy warden and physician, respectively."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BEALL of Texas. Mr. Chairman, this item carries an appropriation of \$40,000 for the subsistence of the United States prisoners at the Leavenworth Penitentiary, and, in addition to that, subsistence for the warden, deputy warden, and physician, tobacco for prisoners, kitchen and dining-room furniture and utensils, and for farm and garden seeds and implements, and for the purchase of ice, if necessary.

The amendment that I have offered increases the appropriation by the sum of \$2,500, with a proviso added that of this sum of \$42,500 "not exceeding \$1,000 shall be used for the subsistence of the warden and not exceeding \$750" shall be used "for the subsistence of the deputy warden and physician, respectively."

Now, Mr. Chairman, there are more than 1,100 men in the Federal penitentiary at Leavenworth. If the entire amount of \$40,000 should be allowed for the single purpose of subsistence, after going into the matter with some degree of care I can say that I do not believe it would be excessive. In addition to the amount that is carried in this bill for the subsistence of these prisoners an additional amount is available for subsistence, because of the fact that a considerable number of prisoners from the District of Columbia are confined there, for which the District pays, and, in addition to that, they have the proceeds of the farm.

It has been estimated that out of this appropriation for the subsistence of the prisoners at Leavenworth the per capita cost per day amounts to only 11 cents, and I think that every gentleman here who is familiar with the prevailing high prices of food products will agree that it is impossible for the warden of that institution, or for the warden of any other institution, properly to subsist a convict upon the sum of 11 cents per day. It necessarily means that the rations of these convicts at certain times must be extremely limited. It is true they are convicts; it is true that they are outcasts from society and are kept there within prison walls; but even outcasts, even convicts, ought to be provided with food of a substantial and nourishing nature, and it is my judgment that with the scant appropriations allowed here it is not possible to give to those convicts the nourishing, substantial food that humanity dictates they should have.

Now, out of this \$40,000 they not only feed the convicts, but they provide subsistence for the warden and his family, and the warden has a residence there on the ground; for the deputy warden and his family, who reside also on the ground; and for the physician, who resides in the city of Leavenworth.

This amendment would provide that the allowance for the warden should not exceed \$1,000, and I believe that would be sufficient for the warden and his family, and \$750 for each of

these other officials, leaving \$40,000 that can be used for the subsistence of these prisoners and for the other purposes indicated in this paragraph. I believe that in the interest of humanity, in the interest of proper care of these unfortunates who are out there, this increase should be allowed, because whatever else they deserve at least they deserve enough to eat, of the proper quality, and I hope this little increase will be agreed to by the committee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BEALL of Texas. I will ask for two minutes additional.

Mr. ANTHONY. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman himself has asked for only two minutes.

Mr. BEALL of Texas. I will ask for five minutes, and if I do not need it I will not use it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. I should like to ask if the investigations made by the gentleman's committee showed that the prisoners were not receiving sufficient food.

Mr. BEALL of Texas. We have not had a very good opportunity to make a thorough investigation of it. Upon my own responsibility I went to Leavenworth and spent a day at the prison. As a general thing I think that the prisoners are cared for as well as could be expected.

Mr. ANTHONY. I want to say to the gentleman that my information is that the 11 cents daily cost of maintaining a prisoner is hardly a correct figure to take, because that sum of 11 cents is augmented by the products of the farm, which are very considerable. For instance, a year ago the farm produced 50,000 pounds of pork. In one year they canned 4,000 gallons of fine preserved peaches, and I think as prison fare goes the fare given the prisoners at the Leavenworth Penitentiary is probably the best in the world.

Mr. BEALL of Texas. I hope it is true.

Mr. ANTHONY. At the same time I hope the gentleman will succeed in getting more for them.

Mr. BEALL of Texas. The United States ought to be a model for all the States, even in caring for its unfortunates. I suppose that these people are provided for as well as could be expected, with the appropriation that is allowed. I am not criticizing the administration of the institution at Leavenworth, but I have examined some of the bills of fare for breakfast, for dinner, and for supper, and it frequently happens that the bill of fare is so limited and so scant that it is hard for me to conceive how an able-bodied man could be satisfied with it. They have coffee, but it sometimes happens that rye or some other grain is parched and is mixed in with the coffee and used for these prisoners. It frequently happens that milk is on the bill of fare, but it is conceded that at least a portion of the milk, a large portion in the past, has been bought from dairies, and the suspicion has prevailed among the officials of the prison that this milk received a dilution of water before it was delivered to the institution; and then after it got into the dining room, sometimes in the plain view of all the assembled prisoners, a most liberal dilution of water was again added to it, and that is the kind of milk that frequently is served to the prisoners.

I believe that they ought to be given good, wholesome, substantial, plain food, and that when coffee or anything else is served to them it ought to be what it purports to be; that when milk is served to them it ought to be the kind of milk that is palatable and nourishing and sustaining. I do not believe that even when you take into consideration all the elements mentioned by the gentleman from Kansas [Mr. ANTHONY] you can support these men as they ought to be supported and as they ought to be nourished upon the appropriation that you are giving them.

Mr. CANNON. Will the gentleman allow me?

Mr. BEALL of Texas. Certainly.

Mr. CANNON. I used to be familiar with this matter in former years, when I was chairman of the Committee on Appropriations. I think everybody agrees that this is the model prison of the United States, if not of the world. I know the warden and his reputation for efficiency and as an expert touching matters relating to prisons. Now, as the whole estimate is given, does not the gentleman think, with the uniform testimony touching this prison, that we better let it alone?

Mr. BEALL of Texas. Perhaps so. I will state that the warden of the penitentiary is in the city now. Yesterday, in relating his experience and services in Illinois, he said that it took about 11 cents a day for the proper food for a prisoner then, and the gentleman from Illinois knows that there is

some difference in the cost of food to-day as compared with the cost of subsistence in 1890.

Mr. CANNON. Yes; but the farm gives much valuable subsistence.

Mr. BEALL of Texas. Well, I simply submit it to the committee. I believe that some increase should be made.

Mr. FITZGERALD. Mr. Chairman, I do not think that this amendment ought to be agreed to.

Mr. MANN. I have a point of order on it.

Mr. FITZGERALD. Does the gentleman intend to insist upon it?

Mr. MANN. I will unless I get some further information. I understand the amendment increases the amount in the bill \$2,500 and sets aside \$1,000 for the warden and \$750 each for the deputy warden and the physician. How can that be done?

Mr. BEALL of Texas. I suppose there will be no trouble; they draw their subsistence from the commissary, and with the provision limiting the amount they would be permitted to draw to not exceeding a certain quantity, it would be easily enforced.

Mr. MANN. How would the accounting officer know about it? These accounts would have to go through the auditor. Somebody has to draw this money from the Treasury, and under the gentleman's amendment I am inclined to think that the purchases for the warden, the deputy warden, and the physician would have to be made separately from the purchases of other supplies in order to pass the accounting officers of the Government. That would cost more than it would amount to.

Mr. BEALL of Texas. I do not think that difficulty would occur.

Mr. MANN. Here is your item in the law which is specific, and somebody would have to enforce it.

Mr. BEALL of Texas. If a quibble is to be made, and points of order made against it when the only purpose is to try and aid 1,100 unfortunates out there, to see that they have something for breakfast, something for dinner, and something for supper, something that is sufficient for human beings to live upon, why, I am content.

Mr. MANN. The gentleman refers to quibbles. The gentleman if he offers an amendment ought to offer it in such form that it would not cost more to execute it than to appropriate for it. That is not my fault. The gentleman proposes to increase the appropriation \$2,500 for the warden, deputy warden, and physician. As far as I can see, it requires that that amount of money shall be expended for three officials.

Mr. BEALL of Texas. Not at all, the amendment says not exceeding that amount.

Mr. MANN. That is what the amendment says.

Mr. BEALL of Texas. It says "Of which sum not exceeding the amount of \$1,000 may be used by the warden," and so forth.

Mr. ANTHONY. I would like to ask the gentleman from Texas a question.

Mr. BEALL of Texas. I will yield.

Mr. ANTHONY. I want to ask the gentleman if the amount set aside for the warden and the other two officials will exceed that which they now have?

Mr. BEALL of Texas. There is no means of determining what they have drawn from the commissary heretofore; because no record has been made in dollars and cents of what it amounted to. I would suppose that if the amendment was adopted, as they made requisitions on the commissary, some estimate of the value would be kept. I do not think there would be any trouble in the administration of the disbursement of the amount.

Mr. ANTHONY. Could not the gentleman attain the object he seeks by having a provision in the bill which would require the amounts consumed by these different officers to be charged up against them in the accounts, and then in succeeding years we would know how much it was?

Mr. MANN. Mr. Chairman, I think the amendment is subject to a point of order. It specifically requires the payment of a certain amount for the warden and the other two officials which is not in the existing law, and I make the point of order.

The CHAIRMAN. Without going into the merits of the case, the Chair will say that by the amendment it is proposed to increase the appropriation from \$40,000 to \$42,500, the increase to be disposed of among three men.

Mr. BEALL of Texas. Before the Chairman rules, may I call attention to the fact that this very appropriation as it is framed here provides for the subsistence of the warden, deputy warden, and prison physician. I am not providing for the subsistence of anybody else, but I am limiting the amount that these three officials can use from that commissary. By doing

that I am not charging, or seeking to charge, that there has been any improper use by them of the commissary privileges.

The CHAIRMAN. The Chair does not think the amendment can be treated as a limitation, inasmuch as it carries with it an increase of expenditure to meet the alleged limitation. Therefore the point of order is sustained.

The Clerk read as follows:

For miscellaneous expenditures in the discretion of the Attorney General, for fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals, and hay and straw for bedding; blank books, blank forms, typewriting supplies, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant, electric plant and water circulation, and drainage; for labor and materials for construction and repair of buildings; for general supplies, machinery, and tools for use on farm and in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of cows, horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, and electrical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers; for fees to consulting physicians called to determine mental conditions of supposed insane prisoners, and for other services in cases of emergency; for pay of extra guards or employees when deemed necessary by the Attorney General, and for expense of care and medical treatment of guards who may be injured by prisoners while said guards are endeavoring to prevent escapes or suppressing mutiny, \$40,000.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I notice that this proposes to limit the gratuities now provided by law for discharged prisoners to those who have been imprisoned for six months. I understand the theory of the law which gives a man who is discharged from prison a small sum of money is not to pay him for his services in the prison, but to give him an opportunity after he gets out of prison, without any money of his own, to get employment where he may earn something, and not to put him on the street without a dollar and expect him to steal in order to get a night's lodging.

Mr. FOSTER. The gentleman makes the point of order to the limitation?

Mr. MANN. That is what I have in mind.

Mr. ANTHONY. Is the gentleman opposed to transporting these discharged prisoners back to the places they came from?

Mr. MANN. Oh, no; but under the law, as I understand it, every discharged prisoner gets a gratuity. They have inserted in the bill an item which limits this gratuity to those prisoners who have served for not less than six months.

Mr. SHERLEY. Here is the testimony on the subject at page 1459 of the hearings:

The CHAIRMAN. You ask to insert in this paragraph, "Provided, That such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months." What is the present law?

Mr. McGLASSON. The present law at Leavenworth only allows the department to furnish the gratuities to prisoners sentenced for over a year, while at Atlanta the law allows us to furnish them to prisoners sentenced for six months or over. There is a difference with no reason, so far as we can see, and as we send prisoners to Leavenworth from long distances, the department thought it was not right to discharge them with no means of getting home.

What the committee desired to do was to ameliorate the provisions of the law and not make them harder.

Mr. MANN. I quite agree with the committee and withdraw the point of order.

The Clerk read as follows:

For clothing, transportation, and traveling expenses, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, provided that such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months, and including transportation to place of conviction or place of bona fide residence in the United States; for expenses of shipping remains of deceased prisoners to their homes in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, \$25,000.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment, on page 122, line 2, by striking out the word "for," after the word "general," and inserting in lieu thereof the word "including."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 122, line 2, strike out the word "for" and insert the word "including."

Mr. SHERLEY. Why is the purpose of that?

Mr. HOWARD. The purpose of that amendment is this: Under a recent ruling of the comptroller if the authorities in charge of either prison at Atlanta or Leavenworth should expend \$1 for anything that is not specifically set out in this paragraph, then the person in authority must do it at his own risk and cost.

Mr. SHERLEY. That ought to be so.

Mr. HOWARD. But it is for the use of the prison. It is some item that is not specified here. For instance, sometimes these men in the prison need the services of an oculist. The warden at Atlanta had several of these men there last year. They were practically blind without the use of glasses. Out of the goodness of his heart he sent into the city of Atlanta and got an oculist, Dr. Crawford, to go out there and examine the eyes of these prisoners. The bill was sent into the department and the comptroller held that under the law he had no right to pay it for that purpose, and that the warden had to pay it out of his own pocket.

Mr. BUTLER. Was it a provision exactly similar to this?

Mr. HOWARD. Yes.

Mr. BUTLER. Does the gentleman think that substituting the word "including" for the word "for" would answer the purpose?

Mr. HOWARD. Yes; and I will tell the gentleman why.

Mr. MANN. If the gentleman substitutes the word "including" for the word "for," he may just as well strike out all of the paragraph except that providing for miscellaneous expenditures in the discretion of the Attorney General, \$40,000.

Mr. ANTHONY. Why not? You give the Attorney General that discretion in other appropriations, involving vastly greater sums than this.

Mr. HOWARD. Exactly.

Mr. MANN. Yes; but we would not do it if we could help it.

Mr. HOWARD. In other words, Mr. Chairman, the object of the amendment is, in cases of emergency, like the one I have just mentioned to provide a means of payment. I will relate another, where there was a little charge of \$2. The cows at the prison broke out of the prison pasture and got into a near-by truck farmer's garden. The truck farmer impounded the United States prison cows. The warden looked over the ground and saw they had done damage to the extent of \$2. He paid the \$2, and the cows were released. He sent the bill in to the auditor and the auditor held that the warden had to pay it out of his own pocket. First and last, the warden at the Atlanta Penitentiary last year paid out about \$200 for absolute necessities at the Atlanta prison, for which the auditor would not allow him.

Now, substituting the word "including" for the word "for" means that in the item of miscellaneous expenditures it includes all these things and some other things that may be an emergency.

Mr. BUTLER. But there must be some provision of law which entitles the authorities at this prison to employ a physician.

Mr. HOWARD. They have a prison physician, but he is not a specialist, he is not an oculist. He knows nothing about eyes. The warden found men there who could not read on account of their impaired eyesight, their eyes were diseased, and he sent in and got this oculist, thinking, of course, that the Government of the United States having charge of these imprisoned men should give them the benefit of this specialist's services and pay the bill out of this fund.

Mr. FOSTER. If they employ a physician there who is not able to fit glasses to eyes, what they ought to do is to get rid of this physician and get another one.

Mr. HOWARD. The gentleman may be right about that, but you are not going to get an all-around physician any better qualified or more expert in his profession than this one for what they pay the physician at Atlanta—a pitiful \$1,600.

Mr. SHERLEY. Mr. Chairman, I hope the amendment of the gentleman from Georgia will not be agreed to. It would be distinctly a step backward. The gentleman from Kansas [Mr. ANTHONY] makes the suggestion that some of the items in here are permitted to be expended at the discretion of the Attorney General. That is true; some of them are of that nature that require a discretion on his part, but the whole history and experience of the Committee on Appropriations has been that our mistakes, if any have been made, have been on account of allowing too much discretion, not by limiting it. The effect of this provision would simply be, as suggested by the gentleman from Illinois [Mr. MANN], to cut out the limitations and enumerations here, and simply turn the fund over to be expended in the discretion of the Attorney General. There occasionally arises a matter of this kind, but usually it is simply due to the lack of ordinary common sense on the part of the officer who is charged with the disposition of the fund, and whenever there is any legitimate cause for an expenditure for a purpose not authorized a recommendation is made to Congress, and the House enlarges the enumerated objects.

Mr. HARDWICK. Does not the gentleman think there ought to be some language in this bill to allow such items as my colleague has described to be charged against the Public Treasury?

Mr. SHERLEY. There has never been any trouble until this particular instance was brought to our attention. The discussion shows they never had any trouble before this. If they had suggested to the committee the desirability of putting in a particular enumeration we could have considered it, but the idea of striking out the word "for" and putting in "including" means an elimination of all the limitations and was not considered by the committee.

Mr. BYRNS of Tennessee. I will call attention to the fact that in the list of miscellaneous expenses there is an item for dentistry for \$503 spent under this item, and evidently the Attorney General thought as the gentleman from Illinois [Mr. FOSTER] thought, that the physician ought to have attended to it.

Mr. HOWARD. I will just state to the gentleman from Kentucky this: The warden of the Atlanta Prison is here and was in the gallery a moment ago, and he informed me for the fiscal years 1910 and 1911 that he had paid out of his own pocket for the prisoners, thinking he was doing it under the law, quite a sum of money.

Mr. SHERLEY. I suggest to the warden, if he is still in the gallery, that he read the law the next time he comes to expend such funds.

Mr. HOWARD. I think the next time he will leave the cows in the pound.

Mr. MANN. I would like to inquire whether it is one of the prescribed duties of the warden to be in the gallery when an item of this sort is under consideration?

Mr. HOWARD. I will state to the gentleman he is subpoenaed by the Committee on Expenditures in the Department of Justice and had a few moments' leisure and had gone in the gallery.

Mr. ANTHONY. Mr. Chairman, I hope the amendment offered by the gentleman from Georgia will prevail. The situation that he states as existing at the Atlanta Penitentiary is duplicated at the Leavenworth Penitentiary. These prisons are not ordinary places where you can outline the things for which every cent shall be expended. They are great manufacturing institutions in themselves. They are operating farms, and their occupations are so diversified that they need this unlimited power, you may say. Now, take the Leavenworth Penitentiary. I said a few minutes ago that an investment of \$100 for hogs for use on the farm resulted in giving to the prison in one year 50,000 pounds of pork for the use of the inmates, yet under this bill the warden would be prohibited from purchasing those hogs.

Mr. HOWARD. He can not buy a bull calf, even.

Mr. ANTHONY. He can not buy a calf, as Mr. Howard says—an entirely ridiculous situation. Under this bill as it is worded the prison authorities can buy a dead chicken, but can not buy a live chicken.

Mr. CLINE. Will the gentleman permit a question?

Mr. ANTHONY. Yes.

Mr. CLINE. I would like to ask the gentleman from Kansas [Mr. ANTHONY] whether the language just as it is written here has been construed by the gentleman from Georgia [Mr. HOWARD] that a limitation has been placed upon it and precludes the exercise of the discretion which the warden has?

Mr. ANTHONY. It absolutely does, as decided by the comptroller, who refuses to authorize the other little amounts from time to time that the officers of the prison have to pay out of their own pockets.

Mr. CLINE. It seems to me in this case the appropriation ought to be sufficient—

Mr. SHERLEY. How comes it this is the first time we have heard of this, and how comes it there is no testimony except that in regard to one of these institutions, and the gentleman from Kansas now talks about numerous instances? The proposition involved here is the proposition of whether we shall keep our hands on expenditures or whether we shall turn them loose to departmental employees who do not like any sort of restriction.

Mr. ANTHONY. Let me say to the gentleman that he ought to make this paragraph in the bill like other paragraphs of a similar nature. For instance, in other cases you leave \$400,000 within the discretion of the Attorney General—

Mr. SHERLEY. My answer to you is that if a mistake has been made it has been made in giving too much discretion.

Mr. ANTHONY. In the McNeil Island Penitentiary you leave this discretion to the Attorney General. Why not at Atlanta and at Leavenworth? Make them uniform.

Mr. SHERLEY. I have tried to explain how I would make them uniform. I would make them uniform along the line of restricting.

Mr. ANTHONY. One or the other.

Mr. SHERLEY. If the gentleman had suggested a while ago about restricting the others he would now get a more cordial reception than he is going to receive.

Mr. ANTHONY. I would ask the gentleman to make the appropriation the same at Leavenworth and Atlanta as at McNeil.

Mr. HOWARD. They raise hogs down there for the use of the prison. Suppose cholera would break out? They would have to come here to get an appropriation to get meat for the Federal prison. This is the narrow manner in which the auditor has made these findings.

Mr. BYRNS of Tennessee. The gentleman had something to say a while ago about the examination of eyes not being allowed and the warden had to pay for it out of his own pocket. I find here with reference to the miscellaneous expenses at Atlanta, in addition to the amount allowed, for dentist fees, \$900.

Mr. ANTHONY. The year I referred to was 1910-11.

Mr. PAGE. That has been cured by the present provisions of the bill.

Suppose you offer an amendment to this bill authorizing the warden to get impounded cows out of the pound.

Mr. ANTHONY. I think that might not happen again for years, but some hogs might not get out next time.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. HOWARD. Division, Mr. Chairman.

The committee divided; and there were—yeas 20, noes 19.

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

Tellers were refused.

So the amendment was agreed to.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, \$4,000; deputy warden, \$2,000; chaplain, \$1,500; chaplain, \$600; physician, \$1,000; chief clerk, \$1,800; bookkeeper and record clerk, \$1,200; stenographer, \$900; 4 clerks, at \$900 each; head cook, \$1,000; steward and storekeeper, \$1,200; superintendent of farm and transportation, \$900; 3 captains of watch, at \$1,000 each; guards, at \$70 per month each, \$52,080; 2 teamsters, at \$600 each; engineer and electrician, \$1,500; assistant engineer and electrician, \$1,200; in all, \$79,280.

Mr. HOWARD. Mr. Chairman, where is the Clerk reading?

The CHAIRMAN. On page 123, the paragraph beginning on line 7.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment to page 123, line 14, to strike out "\$52,080" and insert "\$57,360" in its place.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. ANTHONY].

The Clerk read as follows:

Amend, page 123, line 14, by striking out "\$52,080" and inserting "\$57,360."

Mr. ANTHONY. Mr. Chairman, I would state, for the information of the committee, that this increase of \$5,280 in the appropriation for guards will enable the authorities at the Leavenworth Penitentiary to employ seven additional guards.

These guards are rendered necessary by the fact that the institution is at present suffering from a great shortage of guards, so much so that the Attorney General recommended strongly to the Committee on Appropriations that the force of guards be increased by seven.

The reason for that is this: The prisoners in the daytime in pursuing their various occupations require the attendance of the majority of the guard force, leaving the prison improperly guarded at night, so much so that the walls of the prison can not be manned in the nighttime.

A few months ago, on account of the shortage of guards, discharged prisoners succeeded in putting over these unguarded walls a large amount of explosives, dynamite, and many revolvers, and other dangerous material, which, if it had fallen into the hands of the prisoners, would have resulted in a wholesale mutiny and probably the loss of many lives. The prison authorities immediately asked for sufficient guards to man the walls at night. The Attorney General strongly urges that the increase be granted.

Now, for the information of the committee, I will say that the United States military penitentiary, situated a mile away from the prison under the Department of Justice, has over 100 guards for the purpose of controlling the same number of prisoners as are confined in the Federal penitentiary, and the latter penitentiary has only 50-odd guards for the same purpose for which 100 men are used in guarding the prisoners in the military prison. I hope the committee will permit the amendment to go in.

Mr. SHERLEY. Mr. Chairman, the recommendation made by the committee is the same amount that was carried in the

bill last year and the year before, and in the judgment of the committee it was sufficient to authorize the employment of the proper number of guards, as well as other officials of the penitentiary.

Mr. ANTHONY. I would like to ask the gentleman if the committee did give consideration to the recommendation of the Attorney General and to his statement in regard to the emergency of the situation?

Mr. SHERLEY. The committee considered it, and considered it to the extent that they recommended the amount carried in the bill last year.

Mr. ANTHONY. I suppose with the idea of reducing the amounts appropriated by the bill, so that a showing could be made of economy. Is that it?

Mr. SHERLEY. No; with the idea of not providing useless jobs for people at the instigation of any locality.

Mr. ANTHONY. Does the gentleman mean to say that any locality is asking for this?

Mr. SHERLEY. All I know is that the only gentleman who is asking for it on the floor is the gentleman who represents that locality.

Mr. ANTHONY. It is my duty to do that.

Mr. SHERLEY. I am not gainsaying that; but the gentleman implied that our motive was the motive of making a showing, irrespective of what ought to be done. I say to the gentleman that the committee did what in its judgment seemed to be wise.

Mr. ANTHONY. I do not know what motive could be imputed to the committee for overlooking such a necessary service.

Mr. BUTLER. Mr. Chairman, what we want is information. The gentleman from Kansas [Mr. ANTHONY] stands with his back to us, and we can not hear what he says. Has the department recommended an increase of these guards?

Mr. ANTHONY. The department has recommended it as a most pressing emergency.

Mr. CANNON. Mr. Chairman, will the gentleman yield for a question?

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

Mr. ANTHONY. I do.

Mr. CANNON. Has Col. McClaughy appeared before the committee?

Mr. ANTHONY. I understand he was before the committee. I will say to the gentleman from Illinois that the walls of the Leavenworth Penitentiary are nearly unguarded at night. There are not enough guards to properly guard them.

Mr. CANNON. Has Col. McClaughy's recommendation before the committee been printed in the hearings asking for these additional guards?

Mr. ANTHONY. Yes; strongly urging it.

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

Mr. ANTHONY. Yes.

Mr. PAGE. As a matter of fact, at night are not these prisoners locked in the cells?

Mr. ANTHONY. The gentleman is correct, but there is nothing to prevent people outside of the prison scaling the walls at night.

Mr. PAGE. Certainly not, but there is not the propensity on the part of people on the outside to scale the walls to get in that there is on the part of the people inside to scale the walls and get out.

Mr. ANTHONY. Let me say to the gentleman that prisons are generally surrounded by former convicts on the outside, scheming for the escape of the men on the inside.

Mr. FOSTER. And that in Kansas?

Mr. ANTHONY. And that in Kansas, surely.

Mr. FOSTER. I am surprised.

Mr. ANTHONY. A short time ago a large supply of dynamite was shoved over the walls, and many revolvers were put over.

Mr. PAGE. If this penitentiary is surrounded every night by convicts or ex-convicts, then, instead of increasing the number of these guards, the militia ought to be ordered out.

Mr. ANTHONY. That is the situation around every penal institution. They have to guard against the attempts of those on the inside to escape and against the attempts of those on the outside to assist those who are on the inside.

Mr. CANNON. If the gentleman will allow me, my vote in reference to this matter will be controlled by his answer to this question: Does he know that Col. McClaughy, the warden of that prison, earnestly recommended the increase of this guard by seven?

Mr. ANTHONY. Absolutely.

Mr. CANNON. Then I shall vote for it.

Mr. BUTLER. Where is that statement in the hearings?

Mr. SHERLEY. There are 62 guards at this place. They work in three shifts of eight hours each. There are guards at night. The place is not absolutely abandoned to the ex-convicts and the lawless citizens of Kansas outside of the penitentiary.

Mr. ANTHONY. The guards are not worked in three equal shifts. A large majority of them work in the daytime.

Mr. SHERLEY. All I can say is that the testimony is contradictory of what the gentleman states.

Mr. ANTHONY. I am giving the gentleman the facts.

Mr. SHERLEY. I am taking the testimony as it was presented to the committee.

Mr. ANTHONY. If the gentleman will read me any testimony to controvert what I have to say I shall be glad to hear it.

Mr. SHERLEY. The testimony is that there are three shifts of guards working eight hours to the shift.

Mr. ANTHONY. But not in equal numbers.

Mr. SHERLEY. My information is that there are 12 guards on the shift which runs from 5.15 in the afternoon until midnight and 12 guards on the shift that runs from midnight until 7.15 in the morning.

Mr. ANTHONY. Yes.

Mr. SHERLEY. The balance of the guards are on the day shift, when the prisoners are out of their cells.

Mr. ANTHONY. That makes 12 on duty at night and 40 in the daytime.

Mr. SHERLEY. And the reason for the greater number in the daytime is the common-sense reason that in the daytime the prisoners are out of their cells and in the night they are locked in. Evidently the people in charge of the institution did not think that the citizens outside were as threatening or as lawless as the gentleman who represents the district thinks they are.

Mr. ANTHONY. Perhaps the gentleman knows more about it than the prison authorities themselves do.

Mr. SHERLEY. I only go by what the gentleman has stated and what the testimony shows.

Mr. BUTLER. Will some gentleman point me to the place in the hearing where this information is to be found? I have asked for it time and again.

Mr. SHERLEY. On page 1467 the gentleman will find it. I tried to read it.

Mr. BUTLER. What does the warden recommend relative to the increase of these guards?

Mr. SHERLEY. There was a recommendation not only to increase the number of guards by 7 but a recommendation for increases all along the line of this appropriation; and if we had simply accepted their statement we would have increased the appropriation to \$92,000.

Mr. BUTLER. What, may I ask the gentleman, is the reason stated for the increase of the guards? The gentleman has asked to amend the bill, and we are required to vote on his amendment.

Mr. SHERLEY. The statement was made that they thought they needed more guards.

Mr. BUTLER. Does he simply give his judgment, or does he state any reason?

Mr. SHERLEY. He cites the one instance of their having put some of those explosives over the wall at night. I will read the whole testimony, if the gentleman wants it.

Mr. BUTLER. I do not ask for that; I am simply getting information.

Mr. SHERLEY. I tried to give the information to the gentleman by reading it in detail.

Mr. BUTLER. I have listened ever since the gentleman was on his feet, and I did not hear it read.

Mr. SHERLEY. I can only give the information; I am not responsible for its reception by any gentleman. I did the best I could.

Mr. BUTLER. I understand the gentleman's remarks. I am able to understand, but I say I did not hear the gentleman read what he says he did read, and that is the evidence of the warden of the penitentiary.

Mr. SHERLEY. Oh, the warden of the penitentiary was not before us.

Mr. BUTLER. Well, of the official that had the authority to speak for the penitentiary.

Mr. SHERLEY. I read that to the gentleman, and I suggest that he can read it quicker himself than I can read it again.

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

The question was taken, and the amendment was lost.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment to line 14, page 123, to change the sum from \$52,080 to \$75,440.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 123, line 14, strike out the figures "\$52,080" and insert in lieu thereof the figures "\$75,440."

Mr. ANTHONY. Mr. Chairman, the reason for this increase of appropriation for the guards in the penitentiary at Leavenworth is in line with the recommendation made by the Attorney General, Mr. Wickersham, in his annual report. There has been some trouble in the institution in keeping a good class of reliable guards. The guard force there now is undoubtedly composed of the best men it is possible to get, and they are good men, but they are continually changing—going out to accept employment which affords them more remuneration, and also going into other branches of the Government service.

The Attorney General suggests that there should be a graduated scale for the payment of guards. They now receive \$70 per month. He recommends that they start in at \$60, and after six months' time their pay be increased gradually until after five years they receive a maximum of \$100 a month. The position of guard at these penitentiaries is one of great responsibility. They require men way above the average, and they get but \$70 a month. The idea of the Attorney General is to retain in the service the highest type of men necessary for the purpose. I ask the consideration of the committee for that amendment.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kansas.

The question was taken; and the amendment was rejected.

The Clerk read as follows:

For miscellaneous expenditures, in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans., \$25,000.

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

The Clerk read as follows:

Amend, line 7, page 134, by striking out the figures "25,000" and inserting the figures "30,000."

Mr. HOWARD. Mr. Chairman, the Attorney General asked in this appropriation for the sum of about \$38,000. It is estimated by the Department of Justice that the necessary expenses under this appropriation would be \$35,000, but the department submitted a request for an appropriation of \$30,000 in order not to ask for a larger amount than was asked for by the department, that \$30,000 be inserted in lieu of \$25,000.

During the fiscal year 1911 the expenses payable from this appropriation up to the present time have amounted to \$34,989.05, which was only \$10.95 less than the amount asked for in the years 1911 and 1912.

Now, to further show the necessity for the increase in this appropriation I will state here some of the miscellaneous items paid for out of this appropriation: Coal used at the prison last year, \$16,306.74; water, \$3,672.73; parole officers' salary and expenses, \$1,985.53; employment of dentists and dental work, \$2,892.69; surgical operations, \$120; for examination of insane prisoners, \$270. These items alone amount to over \$24,000. When this estimate was made for the Federal prison in Atlanta, \$30,000, as the very least amount that the Attorney General could get along on, there were only 624 prisoners at the institution. To-day there are 936 prisoners confined in that penitentiary, or a little over 300 more men than when the estimate was made. The warden and the Attorney General in making their recommendation to the committee recommended the least possible amount upon which they could subsist under this particular head as being \$30,000, and I hope this committee will see proper to give us this additional little \$5,000 so that we will not be cramped down there for funds during the coming year.

Mr. MANN. Mr. Chairman, this item reads:

For miscellaneous expenditures in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, \$25,000.

The item relating to Leavenworth under this head was the one which we just amended, striking out the word "for" and inserting in lieu thereof the word "including," and under the amendment which we agreed to the Attorney General can expend money for miscellaneous items ad libitum, but when it comes to the Atlanta Penitentiary he can only expend that sum for items which are specified in the Fort Leavenworth item, and the gentleman who introduced the amendment, representing the Atlanta prison, succeeded in getting it through for the benefit of the Fort Leavenworth prison, but escaped getting it through for the benefit of the Atlanta prison, and he will be in no better position than he was before unless he can amend this item.

Mr. HOWARD. Mr. Chairman, I am very much obliged to the gentleman from Illinois for the information.

Mr. MANN. Oh, I always play fair.

Mr. HOWARD. I want to state to the gentleman that he possibly observed long ago that I am somewhat green in these matters.

Mr. MANN. I have observed that the gentleman is very bright and very active.

Mr. HOWARD. The verbiage of this amendment I thought would apply to this item, and when this item says "for miscellaneous expenditures in the discretion of the Attorney General, including the same objects specified under this head for the United States penitentiary at Leavenworth, Kans.," I concluded it would apply in the same terms to the Federal prison at Atlanta. I have the most profound respect for the opinion of the gentleman from Illinois, but I believe I shall take my chances on Atlanta getting in under that amendment as it stands.

Mr. FITZGERALD. Mr. Chairman, this is not the first time that the Attorney General has made just as vigorous a request for \$30,000 for this item, and in former years the Congress has refused to give him in excess of \$25,000. He managed to get along without any inconvenience whatever. The gentleman from Georgia is unduly alarmed because the committee does not take the request of the Attorney General quite so seriously as he does. We have increased this item over the appropriation for the current year, and have given all that the experience of the committee and the department indicates will be required for that particular purpose. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For salaries, including pay of officials and employees, as follows: Warden, \$4,000; deputy warden, \$2,000; chaplain, \$1,500; chaplain, \$1,200; chief clerk, \$1,800; physician, \$1,600; bookkeeper and record clerk, \$1,200; stenographer, \$900; 6 clerks, at \$900 each; telephone operator, \$480; engineer and electrician, \$1,500; assistant engineer and electrician, \$1,200; 3 captains of watch, at \$1,000 each; steward and storekeeper, \$1,200; superintendent of farm and transportation, \$900; 2 teamsters, at \$600 each; head cook, \$1,000; guards, at \$70 per month each, \$43,000; in all, \$73,080.

Mr. HOWARD. Mr. Chairman, I have three or four different amendments I would like to introduce to this particular item. Should they all be introduced at one time, or can they be taken up separately?

The CHAIRMAN. One at a time.

Mr. HOWARD. Very well, I offer the following amendment.

The Clerk read as follows:

Amend, line 15, page 124, by striking out "\$900" where it first appears in said line and inserting in lieu thereof "\$1,200."

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

Mr. HOWARD. Mr. Chairman, I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order. It is an increase of salary and changes the law. It is useless to argue about it.

The CHAIRMAN. The point of order is sustained.

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

The Clerk read as follows:

Amend, line 16, page 124, by adding before the word "assistant" the word "two," and after the word "assistant" where said word last appears in said line strike out the word "engineer" and insert "engineers," and before the word "electrician," in line 17, add the word "one."

Mr. SHERLEY. Mr. Chairman, I reserve the point of order on that and I would like to have the Clerk report the paragraph as it would read, as amended. We could not catch the amendment.

The Clerk read as follows:

Two assistant engineers and one electrician.

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

Mr. HOWARD. Mr. Chairman, I would like to have the gentleman reserve the point of order for a moment. I desire to let the committee know why the amendments are introduced.

Mr. SHERLEY. Mr. Chairman, I reserve the point of order.

Mr. HOWARD. Mr. Chairman, the necessity for these engineers at this prison is urgent. They have only a chief engineer and one assistant.

The machinery of this plant is run night and day. In the event one of the engineers is sick or takes leave the duty falls upon that one engineer to run all the machinery of this whole plant for 24 hours at a time, which, of course, is a physical impossibility. Now, in the event anything should befall any of these engineers, then the responsibility of running the machinery of that prison falls upon the convicts of the prison who happen to be acquainted with the machinery. This additional engineer has been urgently asked for by the department. It has been

recommended by the warden, and it is a real necessity. The two engineers there now are working 12 hours per day every day of their lives including Sundays, and they have asked for this assistant engineer.

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

Mr. HOWARD. Certainly.

Mr. MANN. The bill carries engineer and electrician, \$1,500; assistant engineer and electrician, \$1,200. Just what is the gentleman's amendment?

Mr. HOWARD. Instead of having one assistant engineer I ask for two assistant engineers, at \$1,200 each.

Mr. MANN. Just what is the gentleman's amendment?

Mr. HOWARD. To insert after the words "fifteen hundred," in line 12, the word "two" before the word "assistant," and add an "s" to "engineer," and insert before the word "electrician," in line 17, the word "one."

Mr. MANN. Then, the gentleman proposes to appoint two assistant engineers and one electrician?

Mr. HOWARD. No; there is already provided one electrician—

Mr. MANN. Oh, no; there is an assistant engineer and electrician, and that is one person. I thought the gentleman had it a little bit mixed. If he had proposed to appoint two assistant engineers and electricians, I think that is not subject to the point of order, but the gentleman proposes to appoint two assistant engineers and one electrician and—

Mr. HOWARD. Mr. Chairman, I ask to modify my amendment so as to make it "two assistant engineers and electricians."

Mr. SHERLEY. Mr. Chairman, when the amendment is reported I reserve a point of order on it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 124, line 16, by inserting before the word "assistant" the word "two," and before the word "electrician" the word "one," so it will read "two assistant engineers and one electrician."

Mr. MANN. I suggest you make it "two assistant engineers and electricians, \$1,200 each, \$2,400."

Mr. SHERLEY. I make the point of order on the amendment.

Mr. MANN. The gentleman does not contend it is subject to the point of order to increase the number?

Mr. SHERLEY. Yes.

The CHAIRMAN. The Chair must confess he has been unable to get at the gentleman's amendment.

The Clerk read as follows:

Insert before the word "assistant" the word "two," so it will read "two assistant engineers and electricians."

The CHAIRMAN. Now the Chair will ask the gentleman whether in his opinion that increases the number of officers?

Mr. HOWARD. By one officer.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. MANN. Mr. Chairman, before the Chair rules upon the point of order let me remind the Chair that there is no law fixing the number of officers at the Atlanta Penitentiary any more than there is a law fixing the number of officers in any other department of the Government. There is no law fixing even the number of officers, and it has been always ruled that the number of officials named in a current law is not binding upon us in the consideration of an appropriation bill. It has been ruled that the salary fixed in the current law does bind. That is purely an arbitrary rule, but if the Chair sustains the point of order on increasing the number of officers we could not pass the Post Office appropriation bill; you could not pass any appropriation bill which increases the number of officers in the Government or clerks in a department.

The CHAIRMAN. The Chair is aware of that, because they are increased from time to time without authority of law, but no one raises a point of order.

Mr. MANN. Frequently a point of order is raised. A point of order was raised on the Post Office bill this session on that particular question and overruled by the Chair. On the legislative bill on the very question it was overruled by the Chair, and on the agricultural bill on the very identical question it was overruled.

Take the agricultural bill, and the point was made that the agricultural bill granted an increase in the number of employees over that in the existing law, but there being no authority specifically fixing the number of employees and the authority for their being employed in the law creating the department, in every case the Chair has overruled the point of order. If there is good authority for this, the whole item is subject to a point of order.

Mr. FOSTER. I remember the original agricultural bill, because the original act provides such clerks as Congress may authorize.

Does not this provide the same item in the same language?

Mr. MANN. The agricultural bill did not cover a great many cases that were in there.

Mr. FOSTER. I think the original act provides that.

Mr. MANN. No; it does not.

Mr. FOSTER. That was the point when the point of order was made on the agricultural appropriation bill.

Mr. MANN. That was as to certain experts.

Mr. FOSTER. I think that was the ruling of the Chair at that time on the point of order raised on the agricultural bill. The law was broad enough to authorize the appropriation for any officer.

Mr. BUTLER. When the law does prescribe for officials, how can we get them if we do not have authority here to fix them?

Mr. MANN. If there is no law for the engineer or electrician at the Atlanta Penitentiary, and the Chair holds you can not include such an item, you can not hold such an item in this bill in order.

The CHAIRMAN. The Chair is pretty nearly of that opinion.

Mr. MANN. I think, if the Chair so holds, he will overrule nearly all of the other chairmen.

The CHAIRMAN. The Chair is going to follow the precedent and will not sustain the point of order, but let the matter go to a vote.

The question is on agreeing to the amendment.

The amendment was rejected.

Mr. HOWARD. Mr. Chairman, I ask permission to offer these amendments, one at a time, if the Chair will permit. I had not finished, and I would like to offer an amendment to line 17, page 124.

The CHAIRMAN. The gentleman from Georgia [Mr. HOWARD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend line 17, page 124, by striking out all of said line after "\$1,500."

Mr. HOWARD. That strikes out the words "three captains of the watch at \$1,000 each," and I would like to introduce, Mr. Chairman, before I explain that particular amendment, the following amendment to line 20, on the same page.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 124, line 20, by striking out all of said line as follows: "At \$70 per month each, \$43,000." And inserting in lieu thereof and before the word "guards": "Three captains of watch and guards, \$58,293."

Mr. SHERLEY. Mr. Chairman, I make the point of order to that.

Mr. HOWARD. Mr. Chairman, I do not think that that particular amendment is subject to a point of order.

Mr. SHERLEY. It undertakes to change the amount to be paid these guards.

Mr. HOWARD. The three captains of the watch and guards necessary, not stipulating the number of guards that are necessary, but it states the salary. Now, the purpose of this amendment, Mr. Chairman, is to carry out the recommendation of the department relative to the graduated scale of salaries at this prison. These guards are now receiving the small sum of \$70 a month, the captains of the watch are receiving the sum of \$1,000 per annum. The Attorney General has recommended this change. This is a splendid body of men. Men of high character, intelligent, and industrious. They are men who have families dependent upon them. They used to obtain their mid-day meal at the prison free; now they have to pay for this meal. At one time they were allowed to purchase their supplies from the prison commissary at the price the Government paid for such supplies. This was stopped by the department, and the free use of the laundry once extended to these men is now denied them.

Mr. Chairman, it is needless for me to call attention to the high cost of living and its steady increase. This small salary, taking into consideration that in addition to the enormous increase in the price of foodstuffs, they have to buy two suits of guard's uniforms per annum. They are furnished no house to live in, no subsistence of any character, and are required to be on duty 365 days in the year.

Now, the Attorney General recommends that after a guard has been employed at the prison for a term of six months he commences to receive \$5 per month additional to \$70, until his salary reaches the maximum amount of \$100 per month, or \$1,200 a year; and the captains of the watch at the same time will receive an increase in their salaries up to the maximum of \$1,400 per annum.

Now, Mr. Chairman, I hope that this amendment will be adopted.

Mr. SHERLEY. Mr. Chairman, I have made the point of order to it. If the gentleman wishes to speak on the point of order, he is at liberty to do so.

Mr. HOWARD. I think it is good, but it is a question of judgment.

Mr. SHERLEY. I insist upon the point of order.

Mr. HOWARD. Then there is no use in further discussion about it. I concede the point of order. We can proceed.

The CHAIRMAN. The point of order is sustained.

Mr. GARNER. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. May I have the attention of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY]? On page 124 you have an item for miscellaneous expenditures, and so forth, at Fort Leavenworth, Kans., \$25,000, and another item for \$2,500.

Mr. SHERLEY. The gentleman is mistaken. Those items are not for Fort Leavenworth, Kans. They are for Atlanta Penitentiary, but the provisions of the items under which they can be expended are the same as those in regard to the items at Fort Leavenworth, Kans.

Mr. GARNER. They are merely descriptive?

Mr. SHERLEY. Yes.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

For foremen, tailor, blacksmith, shoemaker, laundryman, and carpenter, when necessary, \$4,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice that this year at Atlanta they have some of these same officials. The appropriations for blacksmith and carpenter, and so forth, are omitted this year at Leavenworth, but they are left at Atlanta. What special reason is there for that?

Mr. FITZGERALD. The statement was made before the committee that at Leavenworth the warden was able to dispense with the services of the blacksmith and carpenter, and so on.

Mr. MANN. Why do they need a blacksmith and carpenter at Atlanta if they can dispense with them at Leavenworth?

Mr. FITZGERALD. The warden at Atlanta, as the gentleman has probably seen, is very tenacious, and he insisted that he required these particular mechanics.

Mr. HOWARD. It is not the warden; it is the Representative who is tenacious. The warden has nothing to do with it.

Mr. MANN. In the current law we appropriate for a shoemaker and a harnessmaker and a tinner and a blacksmith at Fort Leavenworth; and the warden there, showing that they might be dispensed with, I assume, recommended that they be left out of the bill, as they have been. But at Atlanta they do not seem to be willing to dispense with anything.

Mr. HOWARD. That is true, Mr. Chairman.

Mr. MANN. As long as they have the present able Representative they will probably be unwilling to dispense with anything.

Mr. HOWARD. I will explain that, if the gentleman wants me to, about the blacksmith. The blacksmith is needed at Atlanta at this particular time because of the peculiar condition—

Mr. BUTLER. Until after the election?

Mr. MANN. Has the gentleman conjured up a good reason while I have been talking? [Laughter.]

Mr. HOWARD. He is needed, I say, because of the condition of the construction personnel at this time.

Mr. MANN. But the conditions of the construction at Atlanta and at Leavenworth are identical.

Mr. HOWARD. I do not know about it at Leavenworth, but at Atlanta I know the blacksmith, and he is a good fellow, and he earns his money.

Mr. MANN. Then, if the gentleman knows him, that is a sufficient explanation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LIGHTHOUSES, BEACONS, AND FOG SIGNALS.

Light vessel, general service: For constructing and equipping one light vessel for general service, \$130,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I notice, first, that the committee have changed the heading "Light vessels and other vessels under the Light-house Service" to "Lighthouses, beacons, and fog signals."

Then the first item is a light vessel, which is not covered by the heading. What is the reason for changing the heading so that it does not cover the item that follows?

Mr. FITZGERALD. The words "light vessels" were left out inadvertently.

Mr. MANN. Then they may be inserted. Does the gentleman contend that this light vessel is authorized by law?

Mr. FITZGERALD. It is authorized. All of the items here are authorized by law.

Mr. MANN. There really ought to be some reference here, where you provide a light vessel for general service. I do not think there is any authorization for that.

Mr. PAGE. This is authorized under the act of June 17, 1910.

Mr. MANN. Did that provide a light vessel for general service?

Mr. PAGE. Yes; it is so stated, one light vessel for general service.

Mr. MANN. The reason I asked was because there have been several light vessels authorized for particular service where they are not necessary, and the department has been asking that light vessels for general service might be allowed, instead of those for particular service, to which I have no objection; but I do not desire, if we allow one of them, to have it said, "This was allowed by an appropriation bill and is not the one authorized by the act."

Mr. FITZGERALD. The Committee on Appropriations have refused to appropriate for any new works in this service except those that have been previously authorized by law. The Committee on Appropriations have taken the position that it was much safer to have the committee having jurisdiction of the matter recommend the authorization.

Mr. MANN. I was thinking for the moment of lighthouse tenders. There is nothing of that sort in here. I now remember the light vessel for general service. There are some authorizations for lighthouse tenders where they are not needed, and the department desired to have them for general service. That bill has not come along yet.

Mr. FITZGERALD. The committee did not attempt to determine those questions.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

LIGHTHOUSE SERVICE.

General expenses, Lighthouse Service: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals and fog signals, the establishment of oil or carbide houses, not to exceed \$10,000; *Provided*, That no oil or carbide house erected hereunder shall exceed \$550 in cost; the construction of necessary outbuildings at a cost not exceeding \$200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees while engaged on works of general repair and maintenance, rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce and Labor of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all \$5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding \$1,000, and for all other contingent expenses of district offices and depots, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, \$2,569,400.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. This paragraph at the top of page 128 carries a provision for rations for lighthouse keepers, or the commutation that is provided for by law. Now, the gentleman has inserted in the bill the words "and other authorized persons" to receive the rations or the commutation.

The CHAIRMAN. On what line is that?

Mr. MANN. Line 7, page 128. That does not mean authorized by law. That would allow the Lighthouse Service to authorize anyone connected with the service to have these rations in addition to pay.

Mr. FITZGERALD. While on board the tenders.

Mr. MANN. I do not think that is it.

Mr. FITZGERALD. It is.

Mr. MANN. It says:

Rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels.

Mr. FITZGERALD. Certain officials or employees in the service are compelled at times to be on these tenders, and this

is simply to enable the rations to be furnished them. Otherwise they would have to be provided at the expense of the officers of the vessels.

Mr. MANN. Very well. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read to page 135, including line 8.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not think it is on account of the ball game, but the attendance in the committee has fallen off considerably. I suggest to my friend from New York that this would be a good time and place for the committee to rise.

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. 25039, the sundry civil appropriation bill, but had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

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

H. R. 23557. 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. 18956. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

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. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York; to the Committee on Public Buildings and Grounds.

S. 6573. An act to provide for the purchase of a site and erection of a Federal building at Raton, N. Mex.; to the Committee on Public Buildings and Grounds.

S. 6269. An act to provide for the purchase of a site and the erection of a public building thereon in the city of Santa Fe, in the State of New Mexico; to the Committee on Public Buildings and Grounds.

S. 7096. An act to increase the limit of cost of the public building at Narragansett Pier, R. I.; to the Committee on Public Buildings and Grounds.

S. 5790. An act for the relief of C. E. Moore; to the Committee on Claims.

CHANGE OF REFERENCE.

The Clerk read as follows:

The Committee on Pensions is discharged from the further consideration of the act (S. 1152) granting an increase of pension to Mary Bradford Crowninshield, and the same is referred to the Committee on Invalid Pensions.

Mr. MANN. Mr. Speaker, that does not require action of the House. If it is a private bill, the rule provides for the transfer of private bills.

The SPEAKER. It is a private bill, but a Senate bill.

Mr. MANN. The rule provides that the committee may do that. I have no objection to it.

The SPEAKER. The references of Senate bills are corrected under the rule like public bills. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. HUGHES of Georgia, for one week, on account of attending the annual meeting of the board of trustees of the University of Georgia.

To Mr. LITTLEPAGE, for five days, on account of important business.

To Mr. DAVENPORT, for one week, on account of illness in his family.

To Mr. THOMAS of Kentucky, indefinitely, on account of important business.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until Monday, June 17, 1912, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriation for draining and filling swamps within Government reservations on Constitution Island (H. Doc. No. 834) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 15241) for the relief of Fred R. Payne, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 19190) for the relief of John P. Risley, reported the same with amendment, accompanied by a report (No. 897), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18425) to remove the charge of desertion from the military record of Simon Nager, reported the same with amendment, accompanied by a report (No. 898), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. MCKELLAR: A bill (H. R. 25375) to authorize a survey of Hatchie River, in Tennessee; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 25376) for the purchase of a site and erection of a public building in the city of Bolivar, Hardeman County, Tenn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 25377) to authorize a survey of the Memphis (Tenn.) Harbor; to the Committee on Rivers and Harbors.

By Mr. DODDS: A bill (H. R. 25378) to provide for the purchase of a site and the erection of a public building thereon at Mount Pleasant, in the State of Michigan; to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: Joint resolution (H. J. Res. 330) providing for the purchase of the home of Thomas Jefferson at Monticello, Va.; to the Committee on the Library.

By Mr. AYRES: Memorial of the Legislature of the State of New Mexico, asking for the creation of two additional judicial circuits; to the Committee on the Judiciary.

By Mr. LEVY: Memorial of the Legislature of the State of New Mexico, asking for a specific duty on wool; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, praying the construction of a Government road across the Pecos Forest Reserve; to the Committee on Agriculture.

Also, 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.

Also, memorial of the Legislature of the State of New Mexico, asking for additional judicial circuits; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, praying that the Navajo Indian and other reservations be allotted and opened to settlement; 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. ADAIR: A bill (H. R. 25379) granting an increase of pension to William A. Hughes; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25380) granting an increase of pension to John W. Hall; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 25381) granting a pension to Francis P. McCue; to the Committee on Pensions.

Also, a bill (H. R. 25382) granting an increase of pension to John D. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25383) granting an increase of pension to Nathaniel Hawes; to the Committee on Invalid Pensions.

By Mr. DANFORTH: A bill (H. R. 25384) for the relief of Francis J. Yawman; to the Committee on Claims.

By Mr. HAMILL: A bill (H. R. 25385) granting a pension to Mary E. Sweeney; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 25386) granting a pension to Susan Russell; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 25387) granting a pension to D. L. Maddox; to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 25388) granting an increase of pension to John R. Cravens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25389) granting an increase of pension to Charles H. Dart; to the Committee on Invalid Pensions.

By Mr. PARRAN: A bill (H. R. 25390) for the relief of the estate of Thomas Loker; to the Committee on War Claims.

PETITIONS, ETC.

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

By the SPEAKER (by request): Petition of Ton Polek Sev. Jadwige Society, No. 357, Chicago, Ill.; Society No. 157, Helmetta, N. J.; and Boskeego Serca Jezasa Society, No. 533, Chicago, Ill., protesting against passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of St. Kazimier Society, No. 588, North Brad-dock, Pa., and St. Michael Society, No. 93, Ashland, Wis., protesting against passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. ELLERBE: Petition of citizens of the State of South Carolina, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSS: Memorial of the Swedish-American Republican Club of Will County, Ill., relative to erection of a monument in memory of Capt. John Ericsson; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Mrs. Gervaise Graham, of Chicago, Ill., against the passage of the Richardson bill (H. R. 14060) to amend sections 6, 7, and 8 of the food and drugs act, approved June 30, 1906, concerning dyes and deleterious compounds, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. M. H. Wagner & Sons, of Chicago, Ill., favoring the passage of House bill 21480, to establish a standard barrel and standard grade for apples when packed in barrels, etc.; to the Committee on Coinage, Weights, and Measures.

By Mr. HANNA: Petition of citizens of North Dakota, favoring passage of House bill 22339 and Senate bill 6172, the anti-Taylor system bills, against the stop watch for Government employees; to the Committee on the Judiciary.

Also, petition of the North Dakota Medical Association of Casselton, N. Dak., favoring passage of Senate bill 1, known as the Owen bill, providing for national board of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fort Rice, N. Dak., favoring passage of the Dillingham bill, providing literacy test for immigrants; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., favoring investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, memorial of citizens of Trenton, N. J., against erection of railroad bridge across the Delaware River; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Young Men's Hebrew Association of Bayonne, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the United States Civil Service Retirement Association, Washington, D. C., against the five-year tenure of office clause in House bill 24023; to the Committee on Appropriations.

Also, memorial of the Military Order of the Loyal Legion of the United States, against passage of Senate bill 5091, for erection of navy memorial at Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Amalgamated Ladies' Garment Cutters' Association Local No. 10, of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Manila Merchants' Association, of Manila, P. I., relative to sale of Philippine friar lands; to the Committee on Insular Affairs.

Also, petition of the High School Teachers' Association of New York City, favoring Federal aid to vocational education; to the Committee on Agriculture.

Also, petition of the Allied Printing Trades Council, New York, favoring the passage of the workmen's compensation act (H. R. 20487); to the Committee on the Judiciary.

Also, petition of the University of Pittsburgh, relative to providing for an international conference on the cost of living; to the Committee on Foreign Affairs.

Also, petition of Robert H. Ingersoll & Bro., New York, N. Y., favoring the continuation of the Commission on Efficiency; to the Committee on Appropriations.

Also, petition of Dr. M. Spiegel & Sons, Albany, N. Y., protesting against passage of the Richardson drug bill, tending to amend the food and drug act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of B. F. Slingerland, of Lovells, Mich., against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Memorial of Polek Sw Jadwigi Society, No. 357, of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. MAGUIRE of Nebraska: Petition of the United States Civil Service Retirement Association, Omaha, Nebr., protesting against limiting the tenure of office of employees to five years; to the Committee on Appropriations.

By Mr. REILLY: Memorial of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Woman's Auxillary of St. John's Church, of South Glastonbury, Conn., relative to establishing reservations for the Alaskan Indians; to the Committee on the Territories.

Also, petition of the Daughters of Liberty of New Haven, Conn., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petition of the Board of Trade of the city of Newark, N. J., favoring passage of Senate resolution 357, relative to investigation of fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Daughters of Liberty of Milltown, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of the United Hebrew Trades of New York, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. TILSON. Petition of John Hay Lodge, No. 61, Knights of Pythias, of Hartford, Conn., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Woman's Auxillary of St. Luke's Church, of South Glastonbury, Conn., relative to establishing reservations for the Alaskan Indians; to the Committee on the Territories.

SENATE.

MONDAY, June 17, 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 the proceedings of Saturday last, when, on request of Mr. LODGE 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:

William H. Norris, executor of William Bohlen, deceased, *v.* United States (S. Doc. No. 853); and

Mary A. Zinn, widow of Henry I. Zinn, deceased, *v.* United States (S. Doc. No. 852).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

USE OF TELEPHONES BY GOVERNMENT OFFICIALS (S. DOC. NO. 851).

A message in writing was received from the President of the United States, by Mr. Latta, executive clerk.

Mr. LODGE. I ask that the message just received from the President of the United States may be read.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the President of the United States, which will be read.

The message was read, and, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a communication from the Commissioners of the District of Columbia, inviting attention to section 7 of the legislative, executive, and judicial bill with reference to the use of telephones by Government officials.

WM. H. TAFT.

THE WHITE HOUSE, June 15, 1912.

HOOR OF MEETING ON THURSDAY.

Mr. McCUMBER. Mr. President, I move that when the Senate adjourns to-day it adjourn to meet on Thursday next at 10 o'clock a. m. I am asking for a 10 o'clock meeting for the reason that we will have no business to transact other than the usual morning business and a great many Senators could then have an opportunity to put in a full day if they did not have to wait until noon on that day in order to introduce a bill or something of that kind. Waiting until noon breaks up the entire day, and if we can meet at 10 o'clock—as we will be in session only a few minutes—it will give us the entire day to do as we may wish. I know that the motion is not inconsistent with the unanimous-consent agreement.

The PRESIDENT pro tempore. The Senator from North Dakota moves that when the Senate adjourns to-day it adjourn to meet at 10 o'clock on Thursday. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of members of the Commercial Association of Evanston, Ill., praying that an appropriation be made for the purchase of buildings for the accommodation of American representatives abroad, which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Union No. 735, International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America; of Local Union No. 194, Brotherhood of Painters, Decorators, and Paperhangers of America; and of G. W. Gibson, secretary of the International Association of Car Workers, all of Chicago, in the State of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Kewanee, Taylorville, Chicago, Peoria, Freeport, Carlinville, all in the State of Illinois, praying for the passage of the so-called anti-injunction bill, which were referred to the Committee on the Judiciary.

Mr. ASHURST. I present a concurrent resolution adopted by the Legislature of the State of Arizona, which is very short, and I ask that it may be read.

The concurrent resolution was read and referred to the Committee on Irrigation and Reclamation of Arid Lands, as follows:

House concurrent resolution 5.

Resolved by the Senate and House of Representatives of the First Legislature of the State of Arizona, in special session convened. That it is the desire of the legislature that the Congress of the United States make such amendment or amendments to the reclamation act as will permit the State of Arizona to purchase from the United States water rights for all State and school lands, under reclamation projects, in excess of the maximum of 160 acres allowed to private purchasers, such water rights to be held by the State for the use and benefit of its citizens.

Provided always, That the State, in leasing said lands and water rights, shall impose the same conditions, regulations, and restrictions upon the lessees of said lands and water rights, as to maximum area of holdings, cultivation, etc., as are now imposed upon private water-right producers by the reclamation act.

Resolved further. That certified copies of this resolution be forwarded to Hon. HENRY F. ASHURST and Hon. MARCUS A. SMITH, United States Senators from Arizona; to Hon. CARL HAYDEN, Representative in Congress from Arizona; and to Hon. Sampel Adams, First Assistant Secretary of the Department of the Interior.

June 10, 1912, adopted by the unanimous vote of the senate.

W. G. CUNIFF,

President of the Senate.

June 10, 1912, adopted by the unanimous vote of the house.

SAM B. BRADNER,

Speaker of the House of Representatives.

We, B. F. Thum, chief clerk of the house of representatives of the first State legislature and J. M. McCollum, secretary of the senate of the first State legislature, in extra session, do hereby certify that the fore-