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

RESTRICTIONS ON INDIAN LANDS.

Mr. CURTIS 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. 16743) for the removal of the restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other buildings on any of the reservations within the jurisdiction of such agency, and for other purposes, 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 amendment of the Senate and agree to the same with an amendment, as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. That the Secretary of the Interior be, and he is hereby, authorized, upon application of any adult member of either of the tribes of Indians belonging to the Quapaw Indian Agency in the State of Oklahoma, to remove the restrictions on any part of or all of the lands allotted to such application and permit a sale under such terms and conditions as he may deem for the best interests of the applicant, excepting a tract of not less than forty acres, which shall be designated and held as a homestead: *Provided*, That this section does not apply to the Modocs.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to sell all or any of the tribal lands within the jurisdiction of the Quapaw Agency, and all agency, school, or other government buildings on any reservation within the jurisdiction of said agency, at public auction or by sealed bids, under such regulations as he may prescribe; and he is hereby authorized to convey all lands so sold to the purchaser thereof by patents in fee. And all lands within such agency which have heretofore been reserved for agency, school, or other purposes shall, on approval of this act, revert to the tribe within whose reservation the lands are located and be sold as tribal lands as herein provided.

SEC. 3. That after the sale of all such lands as provided herein, the net proceeds of such sale, together with all funds belonging to such tribes from whatever source derived, shall be apportioned and paid pro rata, under direction of the Secretary of the Interior, to the members of each of the respective tribes in such manner as he shall prescribe.

SEC. 4. That the Secretary of the Interior is hereby authorized and directed to issue patents in fee to all religious societies and organizations, severally, for the lands occupied by them within any of such reservations and heretofore reserved to such societies, as shown on approved schedules of allotments.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

"SEC. 5. That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the rolls of the Klamath Agency, in Oregon, those Modoc Indians now enrolled at the Quapaw Agency, in Oklahoma, formerly Indian Territory, together with their descendants living at the date of the passage of this act, and that upon the removal of any of said Indians to the Klamath Reservation, in Oregon, they shall be allotted as other Indians on said reservation, and that upon the passage of this act they be accorded all the rights and privileges of other Indians enrolled at the Klamath Agency: *Provided*, That for the purposes of such removal the Secretary of the Interior be, and he is hereby, upon application of any allottee, authorized to sell, under such rules and regulations as he may prescribe, all lands inherited and otherwise heretofore allotted to the members of said tribe in Oklahoma, and he is authorized to issue a patent in fee simple to the purchaser or purchasers of said lands, and all restrictions as to the sale, incumbrance, and taxation of said land shall thereupon be removed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

"*Provided further*, That if any member of the Modoc tribe of Indians prefers not to have his or her land sold, such allottee may lease his or her land in Oklahoma for a period of not to exceed five years, the parent or next of kin having the care and custody of any minor executing the lease for such minor."

And the Senate agree to the same.

MOSES E. CLAPP,
CHARLES CURTIS,
T. H. PAYNTER,
Managers on the part of the Senate.

J. S. SHERMAN,
THOMAS F. MARSHALL,
JOHN H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 26, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 25, 1909.*

[*Continuation of legislative day of Tuesday, February 23, 1909.*]

The recess having expired, the House at 10 o'clock a. m. was called to order by Mr. MANN as Speaker pro tempore.

BRIDGE ACROSS MISSOURI RIVER AT COUNCIL BLUFFS, IOWA.

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 28104) to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908.

Be it enacted, etc., That the act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908, is hereby amended so as to give to the Central Railroad and Bridge Company, of Council Bluffs, Iowa, all the authority and rights granted under said act if the actual construction of the bridge authorized by said act is commenced within one year and completed within three years from the passage of this act.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

PARLIAMENT OF TURKEY.

The SPEAKER pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 738), which was read, referred to the Committee on Foreign Affairs, and ordered to be printed.

To the House of Representatives:

I transmit herewith a report by the Secretary of State communicating the reply of the Ottoman Chamber of Deputies to the congratulations and good wishes extended to the Parliament of Turkey by the House of Representatives in its resolution of December 17, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE,
Washington, February 24, 1909.

PENSIONS.

The SPEAKER pro tempore laid before the House the bill (S. 8899) granting pensions and increase of pensions to soldiers and sailors of wars other than the civil war and to certain widows and dependent relatives of said soldiers and sailors, with amendments of the House disagreed to by the Senate.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House further insist on its amendments and agree to the conference requested by the Senate.

The motion was agreed to.

The SPEAKER pro tempore. The Chair announces the following conferees: Mr. LOUDENSLAGER, Mr. DRAPER, and Mr. RICHARDSON.

CONDEMNED BRASS AND BRONZE CANNON.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill granting condemned cannon to various States and localities.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the following bill.

The Clerk read as follows:

A bill (H. R. 28304) granting certain obsolete ordnance for ornamental purposes.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to deliver to the mayor of the city of Aiken, S. C., if the

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same can be done without detriment to the public service, two condemned brass or bronze cannon, to be used for park decoration at Aiken, S. C.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 2. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the joint committee for monument for Arsenal Park, at Pittsburg, Pa., one condemned cannon: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 3. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Enid, Okla., one bronze or brass condemned cannon, with carriage and with a suitable outfit of cannon balls, not needed for present service, the same to be mounted and used on the public building grounds of said city, and to be subject at all times to the orders of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 4. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of South Carolina two condemned brass or bronze "Napoleon" guns, with carriages and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed on statehouse grounds: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 5. That the Secretary of War be, and he is hereby, authorized to donate to the city of Brazil, Ind., two brass or bronze cannon, to be placed in the court-house park in that city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 6. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Boscobel, in the State of Wisconsin, one condemned brass or bronze gun, with carriage and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed in front of the soldiers' memorial hall in said city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 7. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Orange, State of New York, two condemned bronze fieldpieces, with carriages, with suitable outfits of cannon balls, which may not be needed in the service, the same to be placed beside the monuments erected by the townships of Cornwall and Montgomery, in said county, in honor of the soldiers and sailors from said townships who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 8. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the city of Huntington, in the State of West Virginia, two brass or bronze guns, with carriage and with a suitable outfit of cannon balls, which may not be needed in the service, one to be placed in the United States Government building yard and one in the county court-house yard at Huntington, W. Va., and to be subject at all times to the order of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 9. That the Secretary of War is hereby authorized and directed to donate to General O. O. Howard Post, No. 110, Grand Army of the Republic, of Basin, Wyo., the carriages, caissons, and equipments of the two 3-inch guns heretofore donated to the said post: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 10. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Port Jervis, State of New York, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which will not be needed in the service, the same to be placed in said city beside the monument erected in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 11. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Middletown, State of New York, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in said city beside the monument erected in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 12. That the Secretary of War be, and he is hereby, authorized and directed to furnish to J. S. Chandler Post, No. 102, Grand Army of the Republic, Salem, Ill., one bronze or brass condemned cannon or fieldpiece, with its carriage and with suitable outfit of cannon balls, not needed for present service, the same to be mounted and used on the public building grounds at said city, and to be subject at all times to the orders of the Secretary of War: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 13. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Stillwater, State of Minnesota, one condemned bronze or brass fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park or place in said city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 14. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Beloit, State of Wisconsin, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in said city or in a cemetery near to the said city, in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 15. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Sullivan, State of New York, one condemned bronze fieldpiece, with carriage, with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed on the court-house lawn in Monticello, the seat of said county, beside the monument erected in honor of the soldiers and sailors who served in the war for the Union: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 16. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county of Warrick, in the State of Indiana, four condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be placed in the park surrounding the county court-house in the city of Boonville, Ind.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 17. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Florida two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Tallahassee: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 18. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of Colorado two condemned brass or bronze field guns, with carriages, and with a suitable outfit of cannon balls, which may not be needed in the service, to be placed in the statehouse grounds: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 19. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Delaware a condemned bronze fieldpiece, with its carriage, which may be available and may not be needed in the service, the same to be placed in the park facing the state capitol at Dover, Del.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 20. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Wheeling, in the State of West Virginia, two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 21. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Fort Madison, Iowa, two brass or bronze "Napoleon" guns, with carriages and with a suitable outfit of cannon balls, to be placed on the site of old Fort Madison: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 22. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the State of Utah two condemned brass or bronze field guns, with carriages, and with a suitable outfit of cannon balls, which may not be needed in the service: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 23. That the Secretary of War be, and is hereby, authorized and directed to donate to the city of Leavenworth, State of Kansas, two condemned bronze or brass fieldpieces, with carriages, with suitable outfit of cannon balls, which may not be needed in the service, the same to be placed in a public park or place in said city: *Provided*, That no expense shall be incurred by the United States in delivery of same.

SEC. 24. That the Secretary of War be, and he is hereby, authorized and directed to donate to the State of Rhode Island two condemned bronze fieldpieces, with their carriages, and a suitable outfit of cannon balls, which may be available and may not be needed in the service, the same to be placed on the state capitol grounds in the city of Providence: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 25. That the Secretary of War is hereby authorized and directed to deliver to the mayor of Somerville, Mass., two condemned bronze or brass cannon, to be placed at a soldiers' monument in that city: *Provided*, That the Government shall be at no expense in connection with this gift.

SEC. 26. That the Secretary of War be, and he is hereby, authorized and directed to donate to the county court of Mercer County, W. Va., two condemned bronze fieldpieces, with their carriages, which may be available and may not be needed in the service, the same to be used in the park surrounding the court-house, in the town of Princeton, W. Va.: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 27. That the Secretary of War be, and he is hereby, authorized and directed to furnish to the Grand Army Post at Lewistown, Pa., two condemned brass or bronze "Napoleon" guns, with their carriages and with a suitable outfit of cannon balls, which may not be needed in the service, the same to be placed at the monument erected to the memory of the soldiers and sailors of the late civil war in the public square in Lewistown, Pa.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

SEC. 28. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Danville, in the State of Virginia, two condemned bronze fieldpieces, with their carriages and a suitable supply of cannon balls, which may be available and may not be needed in the service, to be placed on the soldiers' plat in the city cemetery in said city: *Provided*, That no expense shall be incurred by the United States in connection with the donation of the above-mentioned articles of ordnance property.

SEC. 29. That the various cannon and other articles of ordnance property furnished under the foregoing provisions of this act shall not be required to be accounted for to the Chief of Ordnance.

SEC. 30. That the Chief of Ordnance is hereby authorized to sell, without advertisement, for public parks, public buildings, and soldiers' monuments purposes surplus obsolete brass or bronze cannon, carriages, and cannon balls at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete brass or bronze cannon shall not be disposed of except as provided for in this act.

The SPEAKER. The gentleman from Iowa asks unanimous consent to consider this bill. Is there objection?

Mr. CLARK of Missouri. What is it this bill does? Reserving the right to object.

Mr. HULL of Iowa. This bill groups together all the bills the House and Senate have not acted upon donating these condenmed cannon.

Mr. CLARK of Missouri. I am glad of it.

The SPEAKER. The Chair hears no objection.

Mr. HULL of Iowa. I offer the following amendment, to be section 29.

The Clerk read as follows:

SEC. 29. That the Secretary of War be, and is hereby, authorized and directed to donate to Danville Branch of the National Home for Volunteer soldiers, four brass or bronze cannon, with their carriages and a suitable outfit of cannon balls, to be placed on the Soldiers' Home grounds at Danville, Ill.: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

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

Mr. EDWARDS of Georgia. Mr. Speaker, I offer the following amendment, to come in as section 30.

The Clerk read as follows:

SEC. 30. That the Secretary of War be, and he is hereby, authorized and directed to donate to the city of Waynesboro, Ga., two brass or bronze cannon and a suitable outfit of cannon balls to be placed on the public square of the court-house in said city: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

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

Mr. LOUDENSLAGER. Mr. Speaker, I offer the following amendment, to come in as section 31.

The Clerk read as follows:

SEC. 31. The Secretary of War is hereby authorized and directed to donate two pieces of condemned bronze field artillery to place around the soldiers' monument at the city of Camden, in the State of New Jersey: *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

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

Mr. COX of Indiana. Mr. Speaker, I offer the following amendment, to come in as section 32.

The Clerk read as follows:

SEC. 32. That the Secretary of War be, and is hereby, authorized to donate to the town of Jasper, Ind., two condemned brass or bronze cannon for the Soldiers' Monument of Jasper, Ind.; *Provided*, That no expense shall be incurred by the United States in the delivery of the same.

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

Mr. CARLIN. Mr. Speaker, I offer another amendment, to come in as section 33.

The Clerk read as follows:

Add a new section, to stand as section 33:

"That the Secretary of War is hereby authorized and directed to donate to the city of Alexandria, Va., nine cannon carriages, provided the said carriages may be on hand and not needed for other purposes in the service, and provided no expense shall be attached to the United States in delivery of the same.

Mr. HULL of Iowa. Mr. Speaker, I understand that they have the cannon there—the Daughters of the Confederacy.

Mr. CARLIN. The Daughters of the American Revolution.

Mr. HULL of Iowa. The Daughters of the American Revolution have the cannon, and the Secretary of War has reported to the gentleman that they have the old condemned carriages that they are willing to give.

Mr. CARLIN. That is my understanding of it.

Mr. TAWNEY. Will there be any left after you get all you want? [Laughter.]

The amendment was agreed to.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read a third time, and passed.

Mr. HULL of Iowa. Mr. Speaker, I ask that the sections be renumbered, as these new ones which have been adopted all come in before the last two sections.

The SPEAKER. If there be no objection, the sections will be renumbered.

There was no objection.

POST-OFFICE APPROPRIATION BILL.

Mr. OVERSTREET. Mr. Speaker, I call up from the Speaker's table the conference report on the disagreement of the House with the Senate on the amendments to the post-office appropriation bill (H. R. 26305), and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the post-office appropriation bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes, 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, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 17, 18, 20, 21, 23, 25, and 27.

That the House recede from its disagreement to the amendments of the Senate numbered 1 2, 13, 15, 16, 19, 22, 24, 26, 28, and 29.

And agree to the same.

JESSE OVERSTREET,
JOHN J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.
BOIES PENROSE,
J. P. DOLLIVER,
A. S. CLAY,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26305) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 29 amendments to the bill, involving a decrease of $27,000.

By the action of the conferees, submitted in the accompanying report, the House recedes upon amendments involving an increase of $348,000.

The Senate receded upon amendments involving an increase of $65,000.

The bill as passed by the House carried $234,436,370.

As agreed to by the conferees, the bill carries $234,692,370.

Amendments Nos. 1 and 2: These amendments restore these items to their proper places in the bill.

Amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12: These amendments restore to the bill the items as passed by the House.

Amendment No. 13: This amendment provides for an increased rental in the city of New York, N. Y., for post-office purposes.

Amendment No. 14: This amendment restores the item as passed by the House.

Amendment No. 15: This amendment provides for the promotion of 50 per cent of the carriers in second-class post-offices from $1,000 to $1,100 per annum.

Amendment No. 16: This amendment provides payment for the promotions authorized in amendment No. 15.

Amendment No. 17: This amendment restores the item as passed by the House.

Amendment No. 18: This amendment restores the item as passed by the House.

Amendment No. 19: This amendment strikes out authority for pneumatic tubes in several cities now covered by law.

Amendment No. 20: This amendment restores the item as passed by the House.

Amendment No. 21: This amendment restores the item as passed by the House.

Amendment No. 22: This amendment provides for the payment of actual and necessary expenses of division superintendents, assistants division superintendents, and chief clerks, Railway Mail Service, and railway postal clerks while actually traveling on business of the Post-Office Department and away from their several designated headquarters.

Amendment No. 23: This amendment restores the amount as passed by the House.

Amendment No. 24: This amendment provides for an increase which was considered necessary by the Postmaster-General for blank books, books, etc., for the registry service.

Amendment No. 25: This amendment provides for reimbursement of temporary clerks employed in the tabulations of the six months' weighing of the mails, such clerks having served less than one year, and during that time receiving promotions amounting to from $100 to $360 each.

Amendment No. 26: This amendment provides that postmasters at money-order offices shall give but one bond.

Amendment No. 27: This amendment provides for officers or enlisted men of the Navy and Marine Corps to act as money-order clerks.

Amendments Nos. 28 and 29: These amendments are duplicates of amendments 1 and 2.

JESSE OVERSTREET,
JOHN J. GARDNER,
JOHN A. MOON,
Managers on the part of the House.

The conference report was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill (H. R. 26394) and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois calls up the conference report on the naval appropriation bill and asks unanimous consent that the statement of the House conferees be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, 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, 6, 8, 44, and 45.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, 9, 10, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 46, 47, 48, 49, 50, 52, 53, 54, 56, and 57, and agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In the last line of the amendment strike out the word "pending," and after the word "controversy," in the same line, insert the words "now pending;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 3 of the amendment strike out the word "stores" and insert in lieu thereof the word "storehouse;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter stricken out insert the following: "*And provided further*, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the act of March 2, 1907, making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of two hundred thousand dollars in any one fiscal year;" and the Senate agree to the same.

On the amendments of the Senate numbered 1, 7, 11, 18, 39, 55, 58, and 59 the committee of conference have been unable to agree.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the bill (H. R. 26394) making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 2 provides that the accounting officers of the Treasury are authorized and directed to allow in the settlement of accounts of disbursing offices involved payments made to officers of the navy while on temporary leave of absence since March 3, 1899, not involving detachment from duty and not in excess of leaves of absence allowed by law to officers of the army without reduction in pay; and the House recedes.

Amendment No. 3 provides that the pay and allowances of the secretary to the Admiral of the Navy shall be the same as those of a lieutenant on the active list having an equal length of service; and the Senate recedes.

Amendments Nos. 4 and 5 provide that the Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount in money of all pay under the provisions of this act, and for all allowances for each grade of officers in the navy, including retired officers and for all officers included in this act, and for all enlisted men so included; also, that the estimates under the head of "Pay of the Navy" shall show the sums allowed for pay of officers belonging to the line, staff, and retired list; the amount allowed for pay proper, the increases due to longevity and foreign service, the pay at sea rates to officers employed on shore; with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases; also, a list giving the rates of pay for all petty officers and other enlisted men of the navy; and the House recedes.

Amendment No. 6 excepts the regular force in the Navy Department at navy-yards and stations which is now under civil-service rules and regulations in the lump-sum appropriation providing for the clerical, drafting, inspection, and messenger service; and the Senate recedes.

Amendment No. 8 strikes out the House provision for giving preference to employees in the clerical, drafting, and inspection force discharged for lack of work or insufficiency of funds; and the Senate recedes.

Amendment No. 9 provides for the repeal of section 1556 of the Revised Statutes, which fixes the pay of clerks to commandants at navy-yards and naval stations; and the House recedes.

Amendment No. 10 authorizes the Secretary of the Navy to furnish naval prisoners upon discharge with suitable civilian clothing; and the House recedes.

Amendment No. 12 reduces the total for the Naval War College, Rhode Island, from $19,100 to $14,700; and the House recedes.

Amendments Nos. 13 and 14 have the effect of placing the appropriation for badges and ribbons under the Bureau of Navigation instead of under the Bureau of Ordnance; and the House recedes.

Amendment No. 15 provides that from the total appropriation of "Ordnance and ordnance stores" not less than $250,000 shall be expended for the enlargement of the government powder factory; and the House recedes.

Amendments Nos. 16 and 17 make the limitation upon the purchase of powder from any trust or combination in restraint of trade apply to all appropriations for the purchase of powder in the act; and the House recedes.

Amendment No. 19 provides that no part of this amount shall be expended for the purchase of torpedoes, or appliances or rights pertaining thereto, where the rights to such torpedoes or appliances are the subject of pending legal controversy, and the House recedes, with the amendment in the last line, to strike out the word "pending," and after the word "controversy" add the words "now pending," so that the last line shall read as follows: "of legal controversy now pending."

Amendment No. 20 increases the cost of the foundry building in the navy-yard, Portsmouth, N. H., from $200,000 to $250,000, but does not increase the appropriation this year; and the House recedes.

Amendment No. 21 increases the appropriation toward the improvement of water-front facilities in navy-yard, New York, from $50,000 to $76,330; and the House recedes.

Amendment No. 22 increases the total for the navy-yard, New York, by the amount stated in amendment No. 21; and the House recedes.

Amendments Nos. 23 and 24 allow for an appropriation of $50,000 for paving around piers, navy-yard, Philadelphia; and the House recedes.

Amendment No. 25 strikes out the sewer system for the navy-yard, Charleston, S. C.; and the House recedes.

Amendment No. 26 increases the appropriation for paving and grading from $10,000 to $20,000, Charleston Navy-Yard; and the House recedes.

Amendment No. 27 decreases the appropriation for the underground conduit system from $10,000 to $5,00; and the House recedes.

Amendment No. 28 increases the appropriation for the intercepting drain, Charleston Navy-Yard, from $10,000 to $30,500; and the House recedes.

Amendment No. 29 decreases the appropriation for the pneumatic system, Charleston Navy-Yard, from $10,000 to $5,000; and the House recedes.

Amendment No. 30 provides an appropriation of $50,000 for increasing and improving torpedo-boat slips, Charleston Navy-Yard; and the House recedes.

Amendment No. 31 strikes out an appropriation of $25,000 for crane track extension, Charleston Navy-Yard; and the House recedes.

Amendment No. 32 increases the total for Charleston Navy-Yard from $95,000 to $135,500; and the House recedes.

Amendments Nos. 33 and 34 provide for an appropriation of $5,000 for the repair of the rifle range and wharf at the navy-yard, Pensacola; and the House recedes.

Amendments Nos. 35 and 36 provide for the completion of the marine railway at naval station, Key West, $15,000; and the House recedes.

Amendment No. 37 provides the following appropriations for the navy-yard, Mare Island, Cal.: "To continue improvement of channel, $100,000; ordnance stores, $100,000; improvements to building No. 69, $4,000; railroad system extension, $20,000;" increasing the appropriation for that yard from $348,500 to $572,000; and the House recedes, with the amendment: In line 3 of the amendment strike out the word "stores" and insert in lieu thereof the word "storehouse."

Amendment No. 38 changes the total for the Mare Island Navy-Yard, in accordance with amendment No. 37.

Amendment No. 40 provides for the following appropriations for the navy-yard, Puget Sound: "General storehouse (to cost $260,000), $100,000; pier No. 8, $75,000; pattern shop, $40,000; two officers' quarters, $18,000; warrant officers' quarters, $4,000;" and the House recedes.

Amendment No. 41 increases the total for the navy-yard, Puget Sound, from $418,000 to $655,000; and the House recedes.

Amendment No. 42 provides for an appropriation of $45,000 for levee improvements and grading at the naval station, New Orleans; and the House recedes.

Amendment No. 43 increases the total for public works, navy-yards and stations, from $4,202,000 to $4,844,830; and the House recedes.

Amendment No. 44 provides as follows: "Toward the preparation of plans and the construction of two concrete piers at the Naval Academy, Annapolis, Md., and including the pay of the necessary draftsmen and inspectors (to cost not more than $250,000), $100,000; in all, $100,000;" and the Senate recedes.

Amendment No. 45 increases the total public works under Secretary's office from $89,000 to $189,000; and the Senate recedes.

Amendment No. 46 apportions the clerk hire under the various appropriations for the naval training station, Rhode Island, but the total amount is not increased; and the House recedes.

Amendment No. 47 provides for the purchase of land adjoining the navy-yard, Charleston, S. C., as a reservation for the Marine Corps, and appropriates $6,500 for the same; and the House recedes.

Amendment No. 48 provides as follows: "To complete the marine garrison, navy-yard, Bremerton, Wash., one marine barracks, $150,000, and for officers' quarters, $60,000; in all, $210,000;" and the House recedes.

Amendment No. 49 increases the total for public works, Marine Corps, from $360,000 to $576,500; and the House recedes.

Amendment No. 50 increases the appropriation for provisions, navy, from $6,801,523.51 to $7,110,284.31, by reason of the marines serving on board ship, as heretofore; and the House recedes.

Amendment No. 51 strikes out the House provision; and the House recedes, with the following amendment: In lieu of the matter stricken out insert the following:

"*And provided further*, That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the act of March 2, 1907, making appropriations for the naval service for the fiscal year ending June 30, 1908, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where such repairs exceed for any one ship the sum of $200,000 in any one fiscal year."

Amendment No. 52 provides for an increase for the engineering experiment station, Naval Academy, Annapolis, Md., from $11,968 to $17,488; and the House recedes.

Amendment No. 53 provides for the title of "warrant machinist" to be changed to "machinist," and is as follows:

"The title of 'warrant machinist' is hereby changed to 'machinist;' and all machinists shall, after six years from date of warrant, be commissioned chief machinists to rank with, but after, ensign, and shall on promotion have the same pay and allowances as are allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, and no machinist shall be promoted until he shall have passed such examination before a board as the Secretary of the Navy may prescribe; and no warrant officer heretofore or hereafter promoted six years from date of warrant shall suffer a reduction in pay which, but for such promotion, would have been received by him: *Provided*, That chief boatswains, chief gunners, and chief machinists shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, and warrant machinists to that grade."

And the House recedes.

Amendment No. 54 provides as follows:

"The crypt and window spaces of the United States Naval Academy chapel are to be used only for memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, or who have received or may receive the thanks of the Congress of the United States for conspicuously distinguished services in time of war, and no memorial shall be accepted for or installed in said crypt or window spaces until at least five years after the death of the officer in question: *Provided*, That nothing in this provision shall be considered as invalidating any agreement made by the present or any former Superintendent of the Naval Academy authorizing a memorial window in the old Naval Academy chapel to be transferred to the new Naval Academy chapel."

And the House recedes.

Amendment No. 56 provides that of the two first-class battle ships provided for in this act, not more than one shall be built by one contracting party; and the House recedes.

Amendment No. 57 is as follows:

"The Secretary of the Navy is hereby authorized, in his discretion, to contract for or purchase one destroyer whose vitals are located below the normal load water line, such vessel to cost not to exceed $400,000 and to have a speed not less than 22 knots; also two small vessels of similar construction having a speed of not less than 16 knots and to cost not to exceed $22,500 each: *Provided*, That before any vessel provided for in this paragraph shall be purchased or contracted for a vessel of similar construction shall have been constructed complete and of full size for naval warfare and submitted to the Navy Department for such trial and tests as the Secretary of the Navy may, in his discretion, prescribe, and as the result of such tests be demonstrated to have fulfilled all the reasonable requirements of naval warfare for such a vessel."

And the House recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 1: "The provisions of the act approved June 29, 1906, entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes,' providing for the retirement in the next higher grade of officers of the navy who served during the civil war, shall not operate to deprive any officer of the navy who has been, or may be, retired, since the passage of that act, of the right to increased rank and pay to which, but for the passage of said act, he would have been entitled."

Amendment No. 7: "and that all employees of the navy-yards, gun factories, and naval stations, in addition to the fifteen days' leave of absence now provided for by existing law, may hereafter, in exceptional and meritorious cases, where such employees are ill, be granted sick leaves of absence with pay, in the discretion of the Secretary of the Navy, not to exceed fifteen days in any one year."

Amendment No. 11 strikes out the following in the House bill: "unless a certificate of birth or a verified written statement by the parents, or either of them, or in case of their death a verified written statement by the legal guardian, be first furnished to the recruiting officer, showing applicant to be of age required by naval regulations, which shall be presented with the application for enlistment," and adds the following: "unless a certificate of birth or written evidence other than his own statement or statement of another based thereon, satisfactory to the recruiting officer, showing the applicant to be of age required by naval regulations, shall be presented with the application for enlistment."

Amendment No. 18 relates to the purchase of powder and strikes out the words "an emergency," and inserts the word "war," thereby limiting the purchase of powder from any trust or combination in restraint of trade to the event of war only.

Amendment No. 39: "The Secretary of the Navy is directed, by suitable board, to investigate and report to Congress the advisability and necessity of establishing a naval base, including a navy-yard and repair station, on the coast of the State of California, south of San Francisco; and if the establishment of such naval base is deemed necessary and advisable at what place on said coast said naval base should be located, and an estimate of the cost of same."

Amendment No. 55: "*Provided*, That no part of the appropriations herein made for the Marine Corps shall be expended for the purposes for which said appropriations are made, unless officers and enlisted men shall serve, as heretofore, on board all battle ships and armored cruisers, and also upon such other vessels of the navy as the President may direct, in detachments of not less than 8 per cent of the strength of the enlisted men of the navy on said vessels."

Amendment No. 58 strikes out the following from the House bill: "*Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $900,000."

Amendment No. 59: "That there shall be kept, in the discretion of the President, as far as practicable, one-half of the navy of the United States on the Pacific at all times."

The increases in the naval appropriation bill for this year by Senate amendments agreed to in conference are as follows: Public works, navy-yards and stations, $642,830; public works, Marine Corps, $216,500; provisions, navy, $308,760.80; experiment station, Naval Academy, $5,520. The Senate made a reduction in the House bill of $4,400, and the conferees reduced the bill as it passed the Senate by $100,000.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
L. P. PADGETT,
Managers on the part of the House.

Mr. FOSS. Mr. Speaker, I wish to state that this leaves in disagreement on the naval appropriation bill about half a dozen items.

The amount of the bill as it passed the House was $135,766,771. As it stands now, the bill amounts to $136,935,199.

I call for the adoption of the report.

Mr. UNDERWOOD. Before the gentleman asks for a vote I should like to put to him some questions about the matter.

Mr. FOSS. I yield to the gentleman.

Mr. UNDERWOOD. I see that the conference committee have agreed to Senate amendments for public works and naval stations to the extent of $642,830 in this conference report.

Mr. FOSS. Yes.

Mr. UNDERWOOD. In view of the present condition of the Treasury, the deficit that is facing the country, I should like to ask the gentleman where the necessity arose for the increase of these public buildings.

Mr. FOSS. These amendments which were put in by the Senate were all in the estimates as they were sent to our committee originally, and they were requested by the Navy Department. Most of them, I think, went out on points of order in the House. Then they were put in again over in the Senate.

Mr. UNDERWOOD. If they came as estimates to your committee, the committee did not think it necessary to put them in at the time the bill passed the House. Now I should like to have the gentleman state wherein the necessity arose for this increase of $642,000 for public works, and $308,000 for an experiment station at the Naval Academy, when it seems that under the present necessities of the country for economy we could at least forego the building of additional public buildings unless there is some extreme necessity shown for the same.

Mr. FOSS. Undoubtedly between the time when the bill passed the House and the time when it was taken up in the Senate the Navy Department appealed to the Senate committee for these provisions.

Mr. UNDERWOOD. I have no doubt of that.

Mr. FOSS. But I am not familiar enough with the situation to know that fact. When these matters came up in conference, the Senate conferees said that the Navy Department desired them, and consequently they were put on as Senate amendments.

Mr. UNDERWOOD. I have no doubt that the Navy Department asked for the buildings. I am not questioning the fact that they may have been useful, but, under the present conditions of the country and of the Treasury, I do not think the gentleman ought to bring a conference report or a bill to this House increasing the appropriations over what they were in the bill when they left the House—nearly a million dollars—without he can show to the House an absolute necessity on the part of the Government for the increase he has agreed to.

Mr. FOSS. I will say to the gentleman that this is a very small increase compared with the increases that have been made in previous years. The increases on public works were twice that.

Mr. UNDERWOOD. I know we were very extravagant, but we had money to be extravagant on; but we have now reached the time when we have not got the money, and the gentleman brings in a bill increasing the expenditures before the House, and he should be able to justify absolutely every increase that the bill contains.

Mr. FOSS. Mr. Speaker, I call for the adoption of the conference report.

The conference report was agreed to.

Mr. FOSS. Now, Mr. Speaker, I move that the House disagree to amendments numbered 1, 7, 11, 18, 39, 55, 58, and 59, and agree to the conference already asked for by the Senate.

The SPEAKER. The gentleman from Illinois moves that the House further insist on its disagreement to the amendments indicated and agree to the conference asked for by the Senate. Without objection——

Mr. MANN. I object, Mr. Speaker; I would like to have a vote on the question.

Mr. FOSS. Does the gentleman desire a separate vote?

Mr. MANN. No; I am willing to have a vote on all the amendments at once.

The question was taken, and on a division (demanded by Mr. MANN) there were 100 ayes and 3 noes.

So the motion of Mr. Foss was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. FOSS, Mr. LOUDENSLAGER, and Mr. PADGETT.

RIGHT OF WAY ACROSS FORT KEOGH MILITARY RESERVATION, MONT.

The SPEAKER laid before the House the following Senate resolution.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate H. R. 34149, granting to the Montana, Wyoming and Southern Railroad Company a right of way across Fort Keogh Military Reservation, Mont.

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

There was no objection.

CONTESTED-ELECTION CASE—OCTAVIANO A. LARRAZOLA V. WILLIAM H. ANDREWS.

Mr. OLMSTED. Mr. Speaker, by direction of Committee on Elections No. 2, I present a report (H. Rept. No. 2246) and accompanying resolutions in the case of Octaviano A. Larrazola against William H. Andrews, involving the right to a seat in the House of Representatives of the United States in the Sixtieth Congress as a Delegate from the Territory of New Mexico. Accompanying it is a statement by two Members, not dissenting at all, but commenting on the laws of New Mexico. I do not ask for the reading of the report, but of the resolutions.

The Clerk read the resolutions, as follows:

House resolution 591.

Resolved, That Octaviano A. Larrazola was not elected and is not entitled to a seat in the Sixtieth Congress as a Delegate from the Territory of New Mexico.

Resolved, That William H. Andrews was elected and is entitled to a seat in the Sixtieth Congress as a Delegate from the Territory of New Mexico.

The resolutions were agreed to.

BRIDGE ACROSS RED RIVER.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28193) to authorize the city of Shreveport to construct a bridge across Red River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Shreveport, a corporation organized under the laws of the State of Louisiana, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a traffic bridge and approaches thereto across the Red River at Shreveport, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

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

TITLE TO CERTAIN LAND IN NEW MEXICO.

Mr. DIEKEMA. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1617) to quiet title to certain land in Dona Ana County, N. Mex.

The Clerk read the bill, as follows:

Be it enacted, etc., That in all cases where persons have made a claim or claims to land in Dona Ana County, N. Mex., by virtue or under color or bona fide claim of right or title derived from the Mexican land grant, known as the Refugio Colony grant, in said county, and which grant was confirmed by the final decree of the Court of Private Land Claims, rendered in 1902, and where such person or persons in good faith and for a valuable consideration have purchased such lands and occupied and improved the same prior to the rendition of said decree, in the bona fide belief that said lands were embraced in and a part of said grant and which lands were excluded therefrom by the final survey of said grant ordered by said court, and where said persons, their assigns, and successors in interest have used, improved, and continued in the actual possession of the same as according to the lines of the original purchase, and where no valid adverse right or title (except of the United States) exists, such occupants, claimants, or purchasers may purchase and the Commissioner of the General Land Office shall cause patents to issue for the same, after having such lands surveyed under existing laws, at the minimum price established by law, upon first making proof of the facts as required in this section, under regulations to be provided by the Commissioner of the General Land Office, joint entries being admissible by coterminous proprietors to such an extent as will enable them to adjust their respective boundaries: *Provided*, That the

right to purchase herein given shall not extend to lands containing mines of gold, silver, copper, or other valuable minerals: *And provided*, That whenever it shall be made to appear by petition from the occupants of such land that injury to permanent improvements would result from running the lines of the public survey through such permanent improvements, the Commissioner of the General Land Office may recognize existing lines of subdivisions.

The Clerk also read the following committee amendments:

On page 2, line 3, strike out the word "purchase" and insert in lieu thereof the words "make entry."

On page 2, line 6, strike out the words "at the minimum price established by law" and insert in lieu thereof the words "on payment of the fees and commissions required on original homestead entries."

On page 2, line 12, strike out the word "purchase" and insert in lieu thereof the words "make entry."

Add one new section thereto, to stand as section 2, and to read as follows:

"SEC. 2. That the Commissioner of the General Land Office is hereby authorized to render to the claimants under this act such assistance as he may deem necessary in the matter of the preparation and submission of proofs hereunder, and all actual expenses incurred by clerks of the General Land Office or others detailed by the commissioner in rendering the necessary assistance to such claimants, including per diem allowance in lieu of subsistence, may be paid from the appropriation for expenses of inspectors, General Land Office."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like to ask the gentleman how large a tract does this cover?

Mr. DIEKEMA. Eight thousand five hundred acres.

Mr. UNDERWOOD. How much is the ownership of any one man?

Mr. DIEKEMA. There are a little over 1,000 families.

Mr. UNDERWOOD. Yes; but how much land does one man own?

Mr. DIEKEMA. Not much. There are only 8,500 acres, and there are 1,000 families interested in it.

Mr. UNDERWOOD. Is the limitation made within the terms of the homestead act—that is, does it exceed 160 acres?

Mr. DIEKEMA. The homestead act would make no difference about this, because each man would get the lands that he had originally purchased from the colony and to which he had received title under that purchase, no matter how small the tract or how large the tract; but there is no very large tract in it.

Mr. UNDERWOOD. What I want to get at is this—as to whether this is an attempt to grant the persons who had no legal rights, as shown by this report, a large tract of land, or whether it is simply confirming the title to people who could have taken up that much public land under homestead entry?

Mr. DIEKEMA. No; it is confirming the title to people who actually did take possession, who made improvements, and who are now in possession, and who did so under the survey made in 1878 by Mr. Elkins, relying that that survey would be confirmed by the Government.

Mr. STEPHENS of Texas. Will the gentleman inform us where this land is situated?

Mr. DIEKEMA. In Dona Ana County, N. Mex.

Mr. STEPHENS of Texas. Is it on the Rio Grande River? What I want to get at is, is it irrigable land?

Mr. MANN. It is Refugio Colony grant lands.

Mr. DIEKEMA. It was originally, in 1851, a Mexican grant to the Refugio Colony; and in the treaty we made with Mexico when we purchased this land, we agreed to confirm this land grant.

Mr. STEPHENS of Texas. Has it ever been confirmed by the United States Government?

Mr. DIEKEMA. Yes; but from this land grant, according to the latest survey, were excluded about 8,500 acres, which were bought in good faith by actual settlers, who made improvements.

Mr. STEPHENS of Texas. Then, this land that was excluded in the survey would be public domain?

Mr. DIEKEMA. Would be public domain unless the grant was made to the parties who actually purchased the same.

Mr. STEPHENS of Texas. And you propose to let these people have the land they intended to get off the public domain?

Mr. DIEKEMA. And for which they actually paid the Refugio Colony.

Mr. STEPHENS of Texas. I think there should be no objection to that.

Mr. SULZER. Where is this land located?

Mr. DIEKEMA. In Dona Ana County, N. Mex.

Mr. SULZER. How many acres?

Mr. DIEKEMA. Eight thousand five hundred acres.

Mr. SULZER. What is it worth to-day?

Mr. DIEKEMA. Nobody can tell.

Mr. MANN. It is not valuable land?

Mr. DIEKEMA. It is not valuable land at all.

Mr. NELSON. Not mining property?

Mr. MANN. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be read a third time, read the third time, and passed.

CLARENCE FREDERICK CHAPMAN, U. S. NAVY.

Mr. BUTLER. Mr. Speaker, I call up the conference report on the bill (H. R. 12499) for the relief of Clarence Frederick Chapman, U. S. Navy, and ask unanimous consent that the statement be read in lieu of a report.

The SPEAKER. The gentleman calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 12499, 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.

THOMAS S. BUTLER,
ERNEST W. ROBERTS,
A. W. GREGG,
Managers on the part of the House.

CHARLES DICK,
THOMAS S. MARTIN,
JOHN WALTER SMITH,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 12499) "for the relief of Clarence Frederick Chapman, United States Navy," submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendment of the Senate:

The Senate in receding from its amendment leaves the bill as it passed the House of Representatives.

THOMAS S. BUTLER,
ERNEST W. ROBERTS,
A. W. GREGG,
Managers on the part of the House.

Mr. BUTLER. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to adopt the report.

The question was taken, and the report was adopted.

TRANSFERRING DAWSON COUNTY, TEX., TO NORTHERN JUDICIAL DISTRICT.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 28305) to attach Dawson County, in the State of Texas, to the Abilene division of the northern judicial district of said State and to detach it from the Fort Worth division of said court, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Dawson County, in the State of Texas, be, and the same is hereby, attached to and made a part of the Abilene division of the northern judicial district of the State of Texas and detached from the Fort Worth division of said judicial district.

SEC. 2. That all process against persons resident in said county of Dawson and cognizable before the court in said judicial district shall be issued out of and made returnable to said court at Abilene, and that all prosecutions against persons for offenses committed in said county shall be tried in said court at Abilene: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. HENRY of Texas, a motion to reconsider the last vote was laid on the table.

SELLING SURPLUS INDIAN LANDS, KAW AND OSAGE TRIBES.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 8554) authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians

of Oklahoma, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw or Kansas and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have some information about the matter.

Mr. SHERMAN. Mr. Speaker, the lands of the Kaw tribe have been allotted to them, 160 acres for a homestead, and the balance is called "surplus land." That balance is about 200 acres to each Indian. To the Osage tribe the land was allotted in the same way—160 acres to each Indian—and a surplus remains, very nearly 500 acres to each. This simply means that each Indian has more land than he can properly work, and this bill authorizes the Secretary to permit the sale of a portion or all of the surplus land upon the application of each individual Indian where he considers it for the benefit of the Indian to make such sale, and, of course, it reserves the right in the oil and minerals to the tribe.

Mr. MANN. Of course that means that very soon all of this land will be taken out of the hands of the Indians and put into the hands of the white people down there.

Mr. SHERMAN. The surplus lands; that is the intention, certainly.

Mr. MANN. Why was not that done in the original act if it was considered desirable to do so?

Mr. SHERMAN. It was restricted for a limited time; it was restricted for ten years for the Kaws, and the ten years will expire in about three years. It is asked that the ten years be cut down to the present time.

Mr. MANN. Does not the gentleman think it will rob the Indians of their land and that it is perfectly safe to wait until the end of the ten years, instead of waiving that limitation now?

Mr. SHERMAN. The gentleman is entirely in error. There is no purpose of robbing the Indians, and I will not, as long as I live and have any power to do so, permit the passage of any act robbing the Indians of their lands or money; and I want to call the gentleman's attention to the fact that I have striven as best I could to protect the rights of the Indians rather than the rights of the white people.

Mr. MANN. The gentleman really does not need to say that, because everybody on the Committee on Indian Affairs and off of it——

Mr. SHERMAN. I understood the gentleman to intimate so.

Mr. MANN (continuing). Knows that the gentleman has stood as a bulwark between robbery and the Indians, but the gentleman will soon be off the Committee on Indian Affairs——

Mr. CLARK of Missouri. Off the reservation.

Mr. MANN (continuing). And here is a proposition to permit the white people to commence at once to endeavor to get this land away from the Indians, and the white people are pretty cute.

Mr. SHERMAN. There is no doubt about that; the gentleman's presence here proves that.

Mr. MANN. And there will not be any land left in the possession of the Indians and mighty little money left in their hands in three years if this bill goes through.

Mr. SHERMAN. The gentleman should understand that this does not apply to the homestead; that each Indian will have 160 acres, but that 660 acres is rather a substantial—that is not the exact term—is rather more than the Indian is supposed to be able to till for himself and his family, and each Indian has that.

Mr. MANN. We had the assurance of the gentleman from Oklahoma the other day that the Indians did not till probably 40 acres of what they had, but the lands were leased. Now, if the title remains in the Indians and permits the leasing of lands then we know they will have something to live on, but if the title passes out of the Indians there is no way of keeping the money in the hands of the Indians, and it will be only a short time before they will be bereft of lands and bereft of money, and the Government will have to take care of them, and I think three years longer to wait would not hurt anybody.

Mr. MACON. May I ask the gentleman why the Indian should not work as well as anybody else?

Mr. SHERMAN. The Indian should work, and we have legislated as far as possible to make it absolutely necessary that they should work. For instance, in regard to the Sioux Indians, some years ago we provided that the administrative officer of the Government should have the privilege of withholding their rations except where they work for their rations, and so far as it has been possible this House and both bodies of Congress has put it in the power of the administrative officers to compel the Indians to do what we do—earn their bread by the sweat of their face.

Mr. MACON. I stand with the gentleman from New York absolutely on that ground. I think they ought to be made to work just as we do.

Mr. SHERMAN. That is just what we are trying to do all along the line. Now, there is more land held by each Indian than he could cultivate if he were as industrious as the gentleman from Illinois, and I can not say anything more extravagant along that line, more pressing in the line of industry. [Applause.] I think the Indian should be made to till and care for his land.

They do not try to do it, but even if they did try they could not do it where the amount of the individual holding is so great, and this proposition is that under regulations prescribed by the Secretary permission be given them to sell whatever of their surplus lands they do not need and use the money under the direction of the Secretary of the Treasury in improving land that they still have.

Mr. MANN. I do not see what authority the Secretary of the Treasury would have over the purchase price of this land after it is received. It can not be paid into the Treasury of the United States.

Mr. SHERMAN. The Indians do not have this money paid to them until the Congress says so.

Mr. STEPHENS of Texas. It is for the use and benefit of the Indians and placed to their credit.

Mr. SHERMAN. They get the interest, certainly, per capita annually, but they do not get the principal under the terms of the original act until the Congress says so.

Mr. MANN. Where they sell their own land?

Mr. SHERMAN. Under the terms of the agreement this money goes into the Treasury, the interest thereon to be used by them, or to be paid to them, rather, annually per capita.

Mr. MANN. Here the other day we had a proposition offered by the gentleman from Oklahoma in its original form, objected to by the gentleman from New York, although he finally agreed to a modified form, to take part of the principal—possibly not of these Indians, but other Indians in Oklahoma—on the original proposition to pay their debts, their grocery bills, and so forth, for the ensuing year.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object for the present.

COMPENSATION OF COMMISSIONS, ETC.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the following may be considered in the Committee of the Whole in order as an amendment and separate section to the sundry civil appropriation bill (H. R. 28245).

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the following order, which the Clerk will report, may be agreed to.

The Clerk read as follows:

SEC. —. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall have been authorized by Congress; nor shall there be employed, by detail, hereafter or heretofore made, or otherwise, personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Reserving the right to object, I would like the gentleman from Minnesota to explain the entire purport of this resolution. It is the first time I have heard it.

The SPEAKER. The request is that this order shall be agreed to, and that it shall be in order to move the amendment upon the sundry civil appropriation bill.

Mr. TAWNEY. That is all it is. I first want to perfect the text. After the word "been," next to the last line of typewriting, insert the words "in specific terms."

The Clerk read as follows:

Insert after the word "been" the words "in specific terms."

The SPEAKER. Is there objection?

Mr. PERKINS, Mr. TOWNSEND, and Mr. GAINES of Tennessee rose.

The SPEAKER. To whom does the gentleman from Minnesota [Mr. TAWNEY] yield?

Mr. TAWNEY. I yield to the gentleman from New York [Mr. PERKINS].

Mr. PERKINS. I would like to ask the object of this resolution in one respect. There was, as the gentleman from Minnesota will perhaps remember, in the agricultural appropriation

bill a provision which was carefully debated in the House, and a motion was made to strike out the provision having in view the action of a certain board of review or advisory committee—a referee board—which had acted in connection with certain matters in the Agricultural Department. A majority of the House, after full debate, retained the provision that was contained in the agricultural bill and defeated the amendment that was offered to strike it out.

Now, if the object of the amendment now offered by the gentleman from Minnesota [Mr. TAWNEY] is to overrule and defeat that action of the House, I must feel bound to object.

Mr. TAWNEY. I would say, Mr. Speaker, that I did not have in mind the referee board of the Agricultural Department or the action of the House in respect thereto on the agricultural appropriation bill.

I think the referee board, as it was then claimed, was appointed under authority of law. This provision, if it be made law, would have no application whatever to that board. What is intended especially by this is to meet this condition. It did appear, as I have been informed, on the hearings on the agricultural appropriation bill, and other members of the committee have information to that effect, that a great number of commissions that are now in existence have been working under authority from the executive department alone, and are employing a great many people in the various departments here in the work of securing data and information and in tabulating and classifying the results of the work of these commissions. I am informed that only recently a carload of the answers to interrogatories submitted by the "Uplift commission of the people of the United States" have been dumped in the Census Bureau of the Department of Congress and Labor for the purpose of tabulation.

I am also informed that clerks have been detailed to work in preparation of what is commonly known as the "Homes Commission report," a report which, in my judgment, ought never to have been printed; and this is all being done without authority of law. Now, this is simply to meet a condition of that kind.

Mr. PERKINS. I ask that the last amendment offered by the gentleman be again reported.

The SPEAKER. The Clerk will again report the proposed order.

The proposed order was again read.

Mr. TAWNEY. Mr. Speaker, at the suggestion of some gentlemen around me, I would ask to withdraw the words "in specific terms."

The SPEAKER. The gentleman modifies his request as indicated. The Chair wants to understand the request. The gentleman now asks that it shall be in order under this order to move this as an amendment upon the sundry civil appropriation bill.

Mr. TAWNEY. In Committee of the Whole.

The SPEAKER. In Committee of the Whole.

Mr. HEPBURN. I would like to ask the gentleman from Minnesota why he uses the words "be authorized by Congress?" What does he mean by that?

Mr. TAWNEY. "Authorized by law" is what I mean.

Mr. HEPBURN. There is a great difference between the two. One might mean a statute and the other a resolution of the two Houses of Congress.

Mr. TAWNEY. I modify it so that it shall read "authorized by law."

The SPEAKER. The gentleman moves to strike out the word "Congress" and insert "authorized by law."

Mr. GAINES of Tennessee. Does this proposition deprive a Member of the right to object to this matter if it is offered in Committee of the Whole on the sundry civil bill?

Mr. TAWNEY. This makes it in order to be considered as an amendment to the sundry civil bill. The merits of the proposition will be considered at the time it is offered to the sundry civil bill.

Mr. GAINES of Tennessee. I think it strikes at an evil; but I want to ask my friend, Can not a similar provision be also reported to the House to regulate this express matter that we had under discussion yesterday?

Mr. TAWNEY. A similar proposition could be offered, but whether it would be agreed to is another matter.

Mr. GAINES of Tennessee. I will ask if he will not offer a similar provision?

Mr. TAWNEY. Is there objection, Mr. Speaker?

Mr. GAINES of Tennessee. I withdraw whatever objection I might have, because I am for the resolution.

Mr. PARSONS. I object.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and adopt the resolution which I have just sent to the Clerk's desk.

Mr. UNDERWOOD. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I am not opposed to this resolution of the gentleman from Minnesota. I am for it, but I would like to inquire of the Chair under what authority the gentleman from Minnesota is allowed to move to suspend the rules?

The SPEAKER. This is one of the last six days.

The Clerk will report the resolution as presented.

The Clerk read as follows:

House resolution 593.

Resolved, That it shall be in order to offer as an amendment to the sundry civil appropriation bill in Committee of the Whole House on the state of the Union, the following:

SEC. —. That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body.

The SPEAKER. Is a second demanded?

Mr. PARSONS. I demand a second.

Mr. TAWNEY. I ask unanimous consent that a second may be considered as ordered.

Mr. DOUGLAS. Is next Thursday a legislative day in the Sixtieth Congress or not?

The SPEAKER. The last legislative day is the 3d of March, and the last calendar day is the 3d.

Mr. DOUGLAS. Another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGLAS. If this motion to suspend the rules and pass this order be carried, will that prevent a suggestion in the committee that this is out of order?

The SPEAKER. Absolutely. While the Chair has not been informed, the Chair presumes that the purpose is to make this in order to be considered by way of motion and amendment on the sundry civil bill. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Minnesota is entitled to twenty minutes and the gentleman from New York [Mr. PARSONS] to twenty minutes.

Mr. TAWNEY. Mr. Speaker, the only purpose of this is to make in order what I have sent to the desk as an amendment to the sundry civil appropriation bill, so that it may be considered in Committee of the Whole, when the merits of the proposition can be considered. I think the matter is of sufficient importance to deserve careful consideration on the part of the House. In order that it may be considered, I have offered this rule, which will make it in order, and have moved the suspension of the rules for that purpose.

Mr. SMITH of California. Mr. Speaker, will the gentleman yield to a question?

Mr. TAWNEY. Yes.

Mr. SMITH of California. Does the gentleman intend to press this in Committee of the Whole to-day, or will it go over until to-morrow, in order that we may have the resolution before us and know the exact scope of it?

Mr. TAWNEY. It will be offered as a separate section to the sundry civil appropriation bill and will come up at the end of the bill. If we conclude consideration of the bill before we adjourn to-day, it will be considered to-day. If not, it will have to go over until later.

Mr. SMITH of California. You do not intend to call it up immediately to-day?

Mr. TAWNEY. No; it will be considered in its regular order. I reserve the balance of my time.

The SPEAKER. The gentleman from New York [Mr. PARSONS] is recognized for twenty minutes.

Mr. PARSONS. Mr. Speaker, the object of this rule is to make it possible on the sundry civil bill to legislate so that we will not have the advantage of any voluntary commission, such as the council of fine arts which the President recently created, a voluntary commission composed of a lot of men interested in architecture, and art experts, who were willing to give the Government free the advantage of their services. The other day a limitation was put on this bill which might seem to accomplish that purpose, but the limitation is not worth the paper it is written on after the 4th of March, because it is limited to the executive order of President Roosevelt; and if the President-elect wishes to issue a different order accomplishing in another way the same purpose, the limitation in the act would not prevent. Therefore this provision, or some such pro-

vision as is contemplated by this resolution, is necessary to effectually carry out a similar purpose to the one involved in that limitation.

I think that of the many splendid things the President has done the establishment of this voluntary council of fine arts is one of the best; and I think when we can have the advantage of the free service of these men, we at least ought to be willing to accept it. I would not object to a provision that unless specially authorized by Congress these people should not be paid, but I do object to the provisions in this resolution whereby we can not have the advice of experts on any subject even if they are willing to give it free.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. PARSONS. Certainly.

Mr. TAWNEY. Is the gentleman aware that the law to-day prohibits in express terms the acceptance of voluntary service on behalf of the Government by any officer of the Government?

Mr. PARSONS. Why, then, is your amendment necessary?

Mr. TAWNEY. This amendment becomes necessary because of the fact that this work is required of the employees in the various departments of the Government.

The voluntary commissions gather a lot of general data all over the United States which is absolutely valueless in the form in which it is obtained, and then it is dumped into the department, and the time of the employees is used for the purpose of working out in detail and tabulating and classifying the information and data that is thus obtained, and imposes upon the department and upon the clerks an extra burden. It is true that some of the clerks in the department have done this work out of hours; but by what right can we require, or should we require, these people to perform these services in their own time?

Mr. DOUGLAS. Will the gentleman from Minnesota yield for a question?

Mr. PARSONS. The gentleman from Minnesota has not the floor.

Mr. TAWNEY. Mr. Speaker, I have nothing further I care to say on the resolution.

Mr. PARSONS. Mr. Speaker, I will yield three minutes to the gentleman from New Jersey.

Mr. PARKER. Mr. Speaker, I have a great objection to putting provisions upon an appropriation bill which are not understood and may go a great deal farther than they are expected to go. It is beyond all question that every now and then, in every department, things do not always go right, and the President or the head of the department appoints a so-called "committee" or "commission," whatever it may be—sometimes volunteers outside, of experts, and sometimes of clerks within—to investigate and report. If it be a matter that is germane to the work of that particular department, whether it be the War or the Navy or the fortifications or of the Interior, it is right; and any provision put upon this bill that will prevent a complete, honest investigation and the uses of the forces of the Government, clerical or otherwise, to tabulate their results is wrong, and I object to its being taken up on an appropriation bill. It is a kind of provision that ought to be considered by a committee reporting specifically, with a special report by the committee adopted in this House as a bill, and with the power of amendment, and not stuck in under the five-minute rule to hamper the Executive in the management of this Government. That is why I object to it. [Applause.]

Mr. TAWNEY. Mr. Speaker, I want to emphasize this fact. The adoption of this order will not in any way interfere with a full and free discussion and consideration of this provision on its merits when it is proposed and offered to the sundry civil bill in the Committee of the Whole House. It will be subject to amendment, and full opportunity afforded for discussion and consideration.

Mr. PARSONS. Will the gentleman yield? Would not this prevent such work being performed as is performed by the natural conservation commission?

Mr. TAWNEY. I will answer the gentleman when we come to consider the proposition on its merits.

Mr. PARSONS. The gentleman asked me a question, and why will he not answer mine?

Mr. TAWNEY. I would first have to inquire as to authority under the law for the conservation commission to dump any work on the department. If it is created by authority of law, then this would not interfere with it.

Mr. PARSONS. But if it is not created by authority of law?

Mr. MANN. Then it has no business to exist.

Mr. TAWNEY. What right has it, if not created by authority of law, to demand of the executive department the time and service and money of the Government?

Mr. PARSONS. It does not demand it, but it gets information for the department, as individuals can.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and on a division (demanded by Mr. PARSONS) there were—140 ayes and 60 noes.

Mr. PARSONS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from New York demands the yeas and nays. All those in favor of taking the yeas and nays will rise. [After counting.] Sixteen gentlemen have arisen, not a sufficient number. The yeas and nays are refused. Two-thirds having voted in favor thereof, the motion is agreed to.

FEARON, DANIEL & CO.

By unanimous consent the reference of the joint resolution (S. R. 83) for the relief of the firm of Fearon, Daniel & Co., of New York and Shanghai, was changed from the Committee on Claims to the Committee on Foreign Affairs.

WITHDRAWAL OF PAPERS.

Mr. FULLER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Matilda B. Aldrich (H. R. 15355), no adverse report having been made thereon.

Also, to withdraw from the files of the House, without leaving copies, the papers in the case of Forest M. Lentz (H. R. 23906), no adverse report having been made thereon.

Also, to withdraw from the files of the House, without leaving copies, the papers in the case of David A. Funk (H. R. 27564), no adverse report having been made thereon.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. 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 sundry civil appropriation bill (H. R. 28245).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WATSON in the chair.

Mr. TAWNEY. Mr. Chairman, I withdraw the point of order which I made last night to the amendment offered by the gentleman from Illinois.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois, and, without objection, the amendment will be again reported.

There was no objection, and the clerk read as follows:

To follow line 9, page 75, insert:

"Authority is hereby given the accounting officers of the Treasury Department to allow and credit in the accounts of Commander L. C. Heilner, U. S. Navy, inspector of the thirteenth light-house district, for the fiscal year ended June 30, 1906, the sum of $625 paid by him from the appropriation 'Supplies of light-houses, 1906,' for raising the light-house tender Manzanita."

The CHAIRMAN. The question is on agreeing to the amendment.

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

The Clerk read as follows:

For any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, including expenses of surveys in aid of the shellfish commission of the State of Maryland, which expenses, including cost of plats and charts, shall not exceed $15,000 in any one year, to be immediately available, $20,000.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on that paragraph for the purpose of getting some information. I would like to ask the gentleman in charge of the bill what is meant by the language, "included expenses of surveys in aid of the shellfish commission of the State of Maryland?"

Mr. TAWNEY. Mr. Chairman, three or four years ago Congress passed a law authorizing the Coast and Geodetic Survey to make certain surveys of the oyster beds in the State of Maryland, and we have been expending about $15,000 a year for that purpose.

Mr. COX of Indiana. Ever since Congress passed its first act?

Mr. TAWNEY. Ever since Congress passed the first act, and this is the provision I have on several occasions referred to as illustrating the fact that in this day of ours the States are even willing to surrender sovereignty over their own territory in order to get an appropriation out of the Federal Government.

Mr. COX of Indiana. Do I understand the gentleman to say that the State of Maryland is working in connection with the Federal Government in this particular instance?

Mr. TAWNEY. The work is being done, as I understand it, jointly by the State and the Federal Government; but the Federal Government, under that law as I now recall it, has complete control and supervision over the work. The triangu-

lation is all done by the officers and scientific men of the Coast and Geodetic Survey.

Mr. COX of Indiana. Does the Government appropriate all the money for this purpose, or is a part of the money appropriated in the State of Maryland?

Mr. TAWNEY. I do not know whether the State of Maryland appropriates or how much it appropriates. This appropriation is expended in the payment of compensation to government officials or employees engaged in that work.

Mr. COX of Indiana. Then, as I understand the gentleman, there is an organic statute or law authorizing the appropriation for this work.

Mr. TAWNEY. Oh, yes; Congress passed the law, or this appropriation would not be made.

Mr. GILL. I would state to the gentleman from Indiana that the State of Maryland does contribute toward the work.

Mr. COX of Indiana. How much does the State of Maryland pay in connection with the Government each year?

Mr. GILL. The State pays about $20,000 a year.

Mr. COX of Indiana. Since this work first began?

Mr. GILL. Yes; since the work first began—more than the Government pays.

Mr. COX of Indiana. I withdraw the point of order.

The Clerk read as follows:

The Secretary of Commerce and Labor, at his discretion, may grant to officers of the field force of the Coast and Geodetic Survey on duty in the Philippine Islands, at one time the whole or any portion of the annual leave hereafter accrued and unused during a period of three years.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on the paragraph just read.

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

The Clerk read as follows:

On page 78, line 19, after the word "may," insert the word "hereafter," and in line 21 strike out the word "hereafter."

Mr. GARRETT. Mr. Chairman, how much time do they have now?

Mr. TAWNEY. Mr. Chairman, their leave, if serving in the United States, is thirty days annually. In the Philippine Islands, owing to the fact that the weather is such that they can work all the time over there, in the three years that they are detailed for service they get practically no leave whatever. Now, they do not get additional compensation, as the officers of the army and navy do who are serving in the Philippines.

They get the same compensation that the officers of the Coast and Geodetic Survey get if they were serving in the field in the United States, but service there for a period of three years that these men are detailed for necessarily has an injurious effect upon the men, and then they have lost their leave and they have no time to their credit when they get home in which they can recuperate, and they have to take whatever they do at their own expense. It applies only to a few people who are detailed from the Coast and Geodetic Survey to service in the Philippine Islands.

Mr. GARRETT. It enables them to have all of their leave at once where they have not used it?

Mr. TAWNEY. Yes; they can accumulate only for three years.

Mr. GARRETT. To secure a much-needed rest. I withdraw the point of order.

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

The Clerk read as follows:

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as hereinbefore provided for officers of the field force ordered to Washington for short periods for consultation with the superintendent), except as now provided by law.

Mr. TAWNEY. Mr. Chairman, I ask now to return to the bottom of page 63, to the paragraph beginning at the bottom of page 63.

The CHAIRMAN. The gentleman from Minnesota moves to return to the paragraph at the bottom of page 63.

Mr. TAWNEY. I ask that that paragraph be again read; it was read last evening.

The CHAIRMAN. Without objection the paragraph will be again read.

There was no objection.

The Clerk read as follows:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division.

Mr. BENNET of New York. Mr. Chairman, I make the point of order against the provision that it is contrary to existing law and therefore not in order under Rule XXI, and I desire to be heard briefly on the point. I say frankly to the Chair that the question as to whether this is subject to the point of order is not free from doubt even in my own mind. Last year the provision was held to be in order, but at that time the attention of the Chair was not called to section 166 of the Revised Statutes of the United States, which authorizes the head of any department to transfer clerks within the department as he sees fit. That is the substance of the statute. This provision will prohibit the Secretary of the Treasury from utilizing in any way the operatives of the Secret Service Division or the clerical force, and there seems to be some slight distinction——

The CHAIRMAN. To what section is the gentleman referring?

Mr. BENNET of New York. To section 166 of the Revised Statutes.

Mr. TAWNEY. It may perhaps aid the Chair and perhaps the gentleman from New York if I call his attention to the fact that the services of no clerks are paid out of this appropriation, and these employees or operatives or per diem employees in the Treasury Department are not clerks.

Mr. BENNET of New York. In connection with that I will call the attention of the Chair to the unbroken line of decisions that anything inserted in an appropriation bill which is contrary to the construction of a statute which has been adopted by the head of a department comes under the inhibition. Now, the Secretary of the Treasury has construed the operatives in the Treasury Department to be clerks, and therefore under these rulings, which are an unbroken line, the point made by the gentleman from Minnesota is of no effect.

Mr. SHERLEY. Mr. Chairman, I desire to call the attention of the Chair to the fact that this limitation does not say that the transfer shall not be made; it simply limits the money. It is in the power of the Congress to refuse to appropriate any money, and it is clearly in the power of the Congress to say that that money shall not be paid under certain conditions.

The CHAIRMAN. The Chair is very clear on the proposition. The Chair thinks it is not subject to the point of order. It does not seek to change existing law. Congress has the right to appropriate or not to appropriate even for a lawful purpose, and it is not necessary to decide whether the transfer is lawful or unlawful. This is simply a withholding of money from certain persons under certain conditions as Congress has the right to do, without discussing the legality of the transfer of clerks. The Chair thinks it is not subject to the point of order and therefore overrules the point of order.

Mr. BENNET of New York. Mr. Chairman, as I said in the beginning, I thought it my duty to submit to the Chair the statute which last year had not been brought to the attention of the Chair at the time of the ruling. I now move, Mr. Chairman, to strike out the entire provision, and I should like to ask unanimous consent, in view of the rather general interest in the subject, to proceed strictly upon the motion and upon the subject-matter of the limitation for forty minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for forty minutes. Is there objection?

Mr. FITZGERALD. Mr. Chairman, I suggest that instead of making that request the gentleman from New York make a request that some time be fixed for the discussion of this paragraph, and to divide it between those who favor his motion and those opposed to his motion.

Mr. BENNET of New York. I will say very frankly to my colleague that this is not a question of there being sides, as far as I know.

Mr. TAWNEY. Some are for and some against.

Mr. FITZGERALD. The gentleman moves to strike out this paragraph. I am opposed to that motion, and that constitutes sides at once. I make that suggestion in an effort to facilitate the consideration of the matter. If the gentleman is to take forty minutes, I have no objection to him occupying all the time he pleases.

Mr. BENNET of New York. My only objection to that would be that I have not consulted at all with gentlemen on this side.

Mr. NORRIS. Will the gentleman permit a suggestion?

Mr. BENNET of New York. Certainly.

Mr. NORRIS. I will suggest that, because he has not consulted, it might be well to bear in mind the suggestion made by the gentleman from New York. I presume there are quite a number of Members who think as the gentleman who makes the motion thinks, namely, that this paragraph ought to be stricken out, and would like to take part in the discussion. Now, if the gentleman consumes forty minutes, the probabilities are that unless agreement is made he will be the only one who will be

allowed to speak on this side of the question, because if forty minutes are taken on the other side it will be quite a lengthy discussion. I do not know that I care to speak.

I would not object to the gentleman taking the time, because I know he has given it study and it will be interesting, but I anticipate there are quite a number of Members who want to be heard on that side of the question.

Mr. GAINES of Tennessee. Mr. Chairman, I want to say to the gentleman that I do not know whether I agree to the limitation without further limitation, and that I shall propose to discuss the matter some, too. So I do not want him to consume all the forty minutes of time, and so far as that request is concerned I now object. I am willing that the gentleman shall go ahead fifteen or twenty minutes.

Mr. TAWNEY. Mr. Chairman, I submit that in lieu of the request of the gentleman from New York we allow two hours and a half for the discussion of this motion to strike out this provision, one-half of that time to be under control of the gentleman from New York [Mr. BENNET] and one-half under the control of myself.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the debate on this amendment shall close in two hours and thirty minutes, one-half of the time to be controlled by the gentleman from New York [Mr. BENNET] and one-half by the gentleman from Minnesota [Mr. TAWNEY]. Is there objection?

Mr. HEPBURN. Why would it not be well to let the debate go on under the five-minute rule for a time?

Mr. TAWNEY. I will say to the gentleman from Iowa that I would be perfectly willing to do that if it were not for the fact that the House should, if possible, conclude the consideration of this bill at this sitting, in order that the Senate may have some time for the consideration of its various provisions and amendments thereto. It is my desire and the desire of the Senate that it shall have the bill as soon as possible. I am afraid if the debate runs along in that way we will consume perhaps all day. I am perfectly willing to allow liberal time for discussion, and I think that two hours and thirty minutes is very liberal time for that; but I do not want to sacrifice the opportunity of getting, if possible, this bill through the House to-day by taking up all the time for consideration of this provision.

The CHAIRMAN. Is there objection?

Mr. COCKRAN. What is the proposition, Mr. Chairman?

The CHAIRMAN. The proposition of the gentleman from Minnesota [Mr. TAWNEY] is that the debate on the pending paragraph shall be limited to two hours and a half.

Mr. TAWNEY. Paragraph and amendments.

The CHAIRMAN. Paragraph and amendments thereto; to be equally divided between the two gentlemen, the time to be controlled by the gentleman from New York [Mr. BENNET] on the one side and the gentleman from Minnesota [Mr. TAWNEY] on the other. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. BENNET] is entitled to seventy-five minutes.

Mr. BENNET of New York. Mr. Chairman, because of the limitation which has been placed upon the debate, and which I recognize to be necessary at this late hour in the session, I shall do what I have never done in my service before in the House—that is, to refuse interruptions, except that as I proceed I desire any member of the Committee on Appropriations to feel at perfect liberty to interrupt me at any time for the correction of a statement of fact.

Mr. Chairman, the history of the secret-service provision is not without interest. That service is now in its forty-fourth year. Not for one single moment has it been authorized by express statute. Each year as it has been carried in the appropriation bill it has been subject to the point of order, and if anyone last evening had desired to end the Secret Service as at present constituted, so far as detection of counterfeiting is concerned and the other objects mentioned on page 63, a simple point of order would have accomplished that for the time being at least. Therefore, during each of these forty-three years, if the service has been in any way abused, it has been within the power not only of a majority of Congress but of any one Member, without even disclosing the reason, to end that particular branch of the public service by his individual negative. That that has not been done furnishes pretty fair evidence, I think, that the service has been, on the whole, satisfactory.

The accomplishments of the service are summed up in the President's message of January 4, which I shall read:

SECRET SERVICE.

Last year an amendment was incorporated in the measure providing for the Secret Service, which provided that there should be no detail from the Secret Service and no transfer therefrom. It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes. If deliberately introduced for the purpose of diminishing the effectiveness of war against crime it could not have been better devised to this end. It forbade the practices that had been followed to a greater or less extent by the executive heads of various departments for twenty years. To these practices we owe the securing of the evidence which enabled us to drive great lotteries out of business and secure a quarter of a million of dollars in fines from their promoters. These practices have enabled us to discover some of the most outrageous frauds in connection with the theft of government land and government timber by great corporations and by individuals. These practices have enabled us to get some of the evidence indispensable in order to secure the conviction of the wealthiest and most formidable criminals with whom the Government has to deal, both those operating in violation of the antitrust law and others. The amendment in question was of benefit to no one excepting to these criminals, and it seriously hampers the Government in the detection of crime and the securing of justice. Moreover, it not only affects departments outside of the Treasury, but it tends to hamper the Secretary of the Treasury himself in the effort to utilize the employees of his department so as to best meet the requirements of the public service. It forbids him from preventing frauds upon the customs service, from investigating irregularities in branch mints and assay offices, and has seriously crippled him. It prevents the promotion of employees in the Secret Service, and this further discourages good effort. In its present form the restriction operates only to the advantage of the criminal, of the wrongdoer.

Leaving out of the question for the moment the conclusions drawn by the President, there is none among us who will contend that the service, as detailed here by the President, is one as to which there is any dispute as to the past.

Mr. WALDO. Will the gentleman allow a question?

Mr. BENNET of New York. Before the gentleman came in I declined to yield to anyone.

Mr. WALDO. I would like to rise to a parliamentary inquiry.

The CHAIRMAN (Mr. CAPRON). The gentleman from New York declines to yield.

Mr. WALDO. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALDO. I desire to submit whether it is within the parliamentary privilege of the gentleman to read here matter that has been declared to be a breach of the privilege of the House, that has been laid upon the table, and which this House has refused to receive.

The CHAIRMAN. The Chair has no hesitation in saying that so far as the gentleman has read the Chair sees no reason why he should not include that statement as a part of his remarks.

Mr. BENNET of New York. Mr. Chairman, this limitation which I now move to strike out was the first limitation in the history of the Secret Service that has been placed upon the men. In 1882, accepting the date supplied by the gentleman from Iowa, a limitation was placed upon the appropriation up to a certain extent; but never in the whole forty-four years had theretofore any attempt been made to limit any department of the Government in the use of these per diem operatives. If they were needed, and if the department desired to use them, if it had the appropriation, it had the right to send to the Secret Service and obtain these men. Therefore it seems to me that the settled practice of forty-four years ought not to have been lightly overturned. Last night the gentleman from Kentucky [Mr. SHERLEY] stated in this House, and he stated correctly, that, in his judgment, the Committee on Appropriations was overworked and did not have time to give to all the subjects of legislation which, as he put it, were put upon it by the inaction of other committees. No better example of the truth of that remark could have been found than the action of the Committee on Appropriations in relation to this particular limitation.

Mr. FITZGERALD. Mr. Chairman——

Mr. BENNET of New York. Under my statement, I yield to the gentleman.

Mr. FITZGERALD. To keep the gentleman's facts straight, I desire to say I dissent from the statement of the gentleman from Kentucky. I am not overworked on the Committee on Appropriations.

Mr. BENNET of New York. Well, I am sorry to see a division in the committee, and for the moment I agree with the gentleman from Kentucky rather than with my friend from New York. Now, my friend from New York was overworked in relation to this particular matter. He is usually an accurate man, and I will just show what he did:

Mr. FITZGERALD. The Secret Service Division has an eligible list of 304.

That is an exact statement which the House had a right to assume the gentleman knew. As a matter of fact, the eligible list at that time was nearly 3,000; and now I will tell my colleague where he got that figure, as he can not tell me. He will find it in the hearings on the sundry civil bill last year in the testimony of Mr. Moran, and that is what those figures are that my friend gave to the House as the number of men on the waiting list. Each man that applies for a position in the Secret Service has to file a written application. That form is numbered,

and the number of that form is 304, and the gentleman from New York had the facts so little in mind that in giving the House that important fact he gave as the number on the eligible list the printed number of the blank form of application. [Laughter.] I think that is very fair evidence that he has been overworked. [Laughter.]

Mr. FITZGERALD. The gentleman's statement is so misleading that he ought to allow me to correct it.

Mr. BENNET of New York. My friend has the RECORD, which he may read.

Mr. FITZGERALD. It is true that there are over 3,000 applications filed and, as I recollect, and as I think the RECORD will show, the number stated by me was the number of those examined and approved by the secret-service men and put on a select list to be selected on occasions when additional men were required. Not only that, but that information is further strengthened by a statement made to me by one of the Secretaries of the Treasury when I applied on behalf of men who wanted to be appointed in the service.

Mr. BENNET of New York. That is a pretty light reply to a question relating to the condition on the 1st of May, 1908, and if my colleague desires me, I will print in the RECORD and give the page where the information is on which he based his statement.

Mr. FITZGERALD. I think the gentleman had better permit me to state the page from which I got the information on which I made my statements.

Mr. GAINES of Tennessee. Before the gentleman proceeds——

Mr. BENNET of New York. I am not yielding to anyone.

Mr. GAINES of Tennessee. Just a moment.

Mr. BENNET of New York. No; I decline to yield to anyone.

The CHAIRMAN. The gentleman declines to yield.

Mr. BENNET of New York. I desire to take up, because it seems to be important, the various reasons assigned by the several members of the committee both last year and this, for this limitation, both in the hearings and on the floor. And as I have made one statement in relation to my colleague, I will read another:

> Numerous instances have come to the observation of many Members of the House where this secret-service force has been employed upon service upon which they should not have been employed.

This is not a matter hidden in a corner. There has been broad general interest. Hearings have been held, in which both my colleague and his colleagues upon the committee have taken a great interest. Not one single Member of the House, either before the committee or on the floor or in the public print has related one single alleged improper use, with one exception, to which I shall refer in connection with the gentleman from Kentucky, during all this time; and I say to my colleague that the Members of this House, being here under the responsibility of their oaths, their names being evidently in his possession, some of the "numerous Members," let some man on either side of this Chamber (because this is the same Congress and practically the same membership) rise in his place in these two hours and a half and state one single instance which justifies the statement of my colleague. If he does that, it will be some proof that the action of this committee was warranted.

Now, the gentleman from Kentucky [Mr. SHERLEY] made the statement last year (and if I do not give the substance of his statement correctly I will ask him to correct it)—he stated in substance that members of this force had been used to look into the personal conduct of Members of Congress. I assume from his lack of dissent that I am stating the substance of his remark.

Mr. SHERLEY. The gentleman is making an assumption which is not warranted by my silence. I do not desire to interrupt the gentleman. What I said is of record, has been twice given to this House, and speaks for itself. If the gentleman desires to be absolutely accurate, and I presume he does, he will not attempt to give the substance of my statement, but will read it. [Applause.]

Mr. BENNET of New York. I shall do so if the gentleman desires:

> Mr. SHERLEY. The gentleman may be aware of the fact that this Secret Service at one time was used for the purpose of looking into the personal conduct of a Member of Congress, notwithstanding the gentleman seems to think they are answerable to no one.

There can be no doubt as to the accuracy of that, and it is substantially what I have just stated. I denied last year to the gentleman that any such use had ever been made of the Secret Service. The President of the United States has since denied it; the Chief of the Secret Service has explicitly denied it in the hearings.

Mr. DOUGLAS. So has the Attorney-General.

Mr. BENNET of New York. I am informed that the Attorney-General has denied it, although I do not know how it could be within his knowledge; and I say to the gentleman from Kentucky that until this time there has been no proof whatever of a fact which was evidently not within his personal knowledge.

Mr. SHERLEY. If the gentleman will permit, I some months ago called attention to the specific case, citing the Senate document, the volume and the page, and I still insist that the reading of that document substantiates the statement made by me. That is a matter again of record which can be verified.

Mr. BENNET of New York. This was the case to which I referred in my remarks in relation to my colleague, a case which happened in the early seventies, as I recall. There was an investigation of an error in enrolling, directed at the request of the then chairman of the Committee on Appropriations. The contention of the gentleman from Kentucky is as to this matter, thirty-odd years old, that before the chairman of the Committee on Appropriations directed it an independent investigation had been commenced by the Secret Service without the direction of anyone.

Now, I desire to say as to that that if the gentleman from Kentucky will put into the record anywhere, any time, proof of that particular, it will be proof that that particular instance cited by him is correct. But assuming it to be correct, that was not the contention of the gentleman from Kentucky. Here was a crime charged. The "personal conduct" of Members, I assume from knowledge of my colleagues, does not embrace the idea of crime. It embraces the "shadowing" of us in coming and going, and particularly if it should happen, as I hope it does not, that any of us should be where we did not desire to be seen; the following of us to such places. That was my understanding of the remarks of the gentleman from Kentucky, and I think it was the understanding of the House.

Of course, if the gentleman means to include the obtaining of evidence against Members of either branch of Congress accused of a crime, then his statement also was correct in relation to the Senator and Member who, after accusations of crime, were indicted and convicted upon evidence supplied largely through the efforts of the Secret Service.

Now, the gentleman from Iowa [Mr. SMITH] made quite a point on the 8th of January of the fact that 30 indictments had been found in Colorado——

Mr. SMITH of Iowa. I did not mention such a subject on the 8th of January.

Mr. BENNET of New York. But the gentleman——

Mr. SMITH of Iowa. Read the RECORD of the 8th of January, which will show the gentleman's accuracy.

Mr. BENNET of New York. The gentleman mentioned on the 8th of January—the gentleman can perhaps be technical——

Mr. SMITH of Iowa. I can be accurate, and ask the gentleman from New York to be the same.

Mr. BENNET of New York (continuing). That indictments obtained on evidence secured by efforts of the Secret Service were dismissed.

Mr. SMITH of Iowa. I ask the gentleman to cite a word bearing any resemblance to that in my speech of the 8th of January.

Mr. BENNET of New York. If I can not, I will rise in my place here and publicly apologize to the gentleman from Iowa.

Mr. SMITH of Iowa. I hope the gentleman will do so.

Mr. BENNET of New York. I will do so.

Mr. COOK of Colorado. Will the gentleman yield for a question?

Mr. BENNET of New York. I decline to yield. The gentleman from Iowa—always subject to correction—stated in his remarks, which I am citing of course from memory, because the time is too short to turn to each individual one, the fact that these prosecutions in land suits were not made by men assigned to the Department of the Interior——

Mr. SMITH of Iowa. That statement was not made by me.

Mr. BENNET of New York (continuing). Under the Secretary of the Interior——

Mr. SMITH of Iowa. That statement was not made by me.

Mr. BENNET of New York. The gentleman recollects his speech?

Mr. SMITH of Iowa. The gentleman from Iowa has a distinct recollection of what his speech contains. I did state that there had been only one man assigned from the Secret Service to the Interior Department, and that is the only resemblance to anything the gentleman has just stated was in the speech.

Mr. BENNET of New York. That is sufficient for the purpose——

Mr. SMITH of Iowa. If the gentleman from New York deems that that is what he said, well and good.

Mr. BENNET of New York (continuing). That is sufficient for the present purpose and, if the other statement is incorrect, I will follow out the statement I have just made to the gentleman. That statement made by the gentleman from Iowa, standing alone, is absolutely correct. There was but one man assigned to the Department of the Interior, and his name was Burns, and he was assigned about the year 1903.

Mr. TAWNEY. Will the gentleman permit an inquiry?

Mr. BENNET of New York. Yes.

Mr. TAWNEY. Does the gentleman mean to say that he was assigned to the department? Did he not go entirely from the Secret Service, and was he not appointed originally in the Department of the Interior?

Mr. BENNET of New York. He was, first, for a short time assigned and then absolutely taken over into the Department of the Interior, and that is the basis of the statement of the President that that was done because Secretary Hitchcock did not have confidence in his own force.

Mr. SMITH of Iowa. And that they were under the control of land thieves, but have not yet been separated from the public service in the intervening year.

Mr. BENNET of New York. An agent in charge of that division, as the gentleman's hearings will disclose, was separated, and Secretary Garfield so states in his testimony. There has been so much said based on Secretary Garfield's testimony that the prosecution of land frauds was never hampered that I think the House ought to know the facts. When I was a law student I was told the story, as nearly everyone was, of the Irishman who was charged with stealing a ham. Three witnesses were called who saw him steal the ham, and he asked an adjournment so that he could bring 20 witnesses who had not seen him steal the ham. The Committee on Appropriations have called the witnesses who did not see the ham stolen. Secretary Garfield did not initiate these prosecutions. It is quite true that the prosecutions were not carried on under the Department of the Interior; but the whole fact ought to be laid before Congress—that there were land prosecutions and that they did cost money and that they were carried on under the Department of Justice. In the hearings the name of the special attorney who prosecuted is mentioned, a Mr. Rush. I sent to Mr. Rush and obtained his statement as to the effect of this legislation, and I will ask the Clerk to read the letter from Mr. Rush in my time.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Omaha, January 7, 1909.

Hon. WILLIAM S. BENNETT,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your letter dated January 1, 1909, addressed to me at Washington, and which was forwarded to me from there, in which you request information relative to prosecutions in land-fraud cases, wherein secret-service agents have been employed, and in reply I have the honor to report that since May, 1905, I have been employed by the Government as a special assistant attorney in the prosecution of land-fraud cases, and I herewith append a brief summary of the cases, civil and criminal, disposed of in which I have cooperated with United States attorneys in the several districts. The evidence in all of this litigation was procured by agents of the secret service, cooperating with special agents of the Interior Department.

In reply to your inquiry as to the kind of work performed by secret-service agents, you are advised that their work consisted mainly in locating the whereabouts of the several entrymen and procuring the statements of such entrymen, giving the circumstances under which they made entries of the public lands; interviewing and taking statements of other persons who had knowledge of the fraudulent character of such entries; locating fence lines unlawfully inclosing public lands and assisting in making a survey thereof and investigating the fraudulent character of the several entries within such inclosures; and generally procuring the several links of testimony required in such prosecutions.

In answer to your second inquiry as to how the secret-service agents compared with the agents of the General Land Office, permit me to say that until within the past few years the agents employed by the General Land Office were mostly old men whose work had been theretofore largely confined to hearings before the various land offices and other official routine work. They were not, therefore, familiar with the character of testimony necessary to be produced in the actual trial of land-fraud cases. The agents of the Secret Service were more active and energetic and entirely familiar with the procuring of evidence in the trial of cases, for under their employment their duties had consisted chiefly of this class of work. The appropriations and the small number of men employed by the Interior Department rendered it very difficult to secure the assistance from that office adequate to a proper investigation of these land frauds. I found, however, in my contact with these special agents of the Interior Department that there were some able and effective agents in securing evidence, yet that force had been organized largely through the efforts of the Secretary of the Interior, separate and apart from the General Land Office, and were designated as special inspectors to the Secretary of the Interior; but at the same session of Congress limiting the assignment of secret-service men (pt. 1, p. 328, Stat. L., 1907–8) a limitation was placed upon this force of men, reducing the number of inspectors to two, "whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior" (pt. 2, p. 223, Stat. L., 1907–8).

In view of these agents, skilled in the detection of fraud and crime with respect to the public lands, being confined in their operations to the routine but harmless occupation of inspecting land offices, together with the Government being denied the use of the secret-service agents in these prosecutions, it is apparent to anyone that the result of this action must necessarily impair the Government in the prosecution of cases pending, as well as in the detection of other crimes, and therefore could only be of benefit to the criminal classes.

Much has been stated in the public press about the improper action of the agents of the Secret Service in their work, and in this connection I herewith call attention to an interview by one of the attorneys for Charles T. Stewart, published in the Omaha Daily News under date of January 5, 1909, as follows:

"HARL'S STATEMENT.

"'The method used by the Roosevelt secret-service men in their attempts to manufacture evidence will be shown up in the trial of the Stewart case,' said C. M. Harl, of Harl & Tinley, counsel for Charles T. Stewart in the alleged land-fraud cases.

"'Two old soldiers in Council Bluffs were threatened with prosecution unless they signed affidavits prepared by the detectives, and which the men said were absolutely false.

"'The detectives went to the homes of the men in their absence and told their wives that unless their husbands signed these false affidavits they would be sent to the penitentiary for ten or fifteen years.

"'One of the intimidated men—John Hill, 70 years old—collapsed under the nervous strain, after refusing to sign the prepared affidavit, and died.'"

The utter groundlessness of such statements is apparent when we know the facts. This entryman, John E. Hill, on the 5th day of January, 1906, came to the office of the secret-service agent in Omaha and there made his voluntary statement. On October 16, 1906, he appeared before the United States grand jury in this district, at Lincoln, Nebr., and under oath reaffirmed the truth of the statements made in his affidavit before the secret-service agent, on which evidence an indictment was returned. It is hardly necessary to suggest that he did not fall dead at that time, nor was he apparently suffering from nervous prostration.

In all the large number of cases that I have tried where secret-service agents have been instrumental in securing the evidence, not one instance has yet come to my knowledge, in court or out, where these agents have used improper methods or have tried to induce any person in any manner to testify to anything but the truth.

Trusting that this answers your inquiry sufficiently, I remain,

Very respectfully,

S. P. RUSH,
Special Assistant to Attorney-General.

Mr. BENNET of New York. Mr. Chairman, that letter, which I am sorry is necessarily so lengthy, outlines the method in which these land prosecutions were carried on, naturally carried on, under the Attorney-General, and successfully carried on, as the schedule annexed to that letter shows. The gentleman from Iowa [Mr. SMITH] states that it was not he who alluded to the dismissal of the indictments. It was stated by some member of the Committee on Appropriations, but neglected to be stated, although it was made a ground of criticism, that those indictments dismissed by the judge in Colorado have been reinstated by a reversal by the Supreme Court of the United States.

Mr. FITZGERALD. Mr. Chairman, I made that statement.

Mr. SMITH of Iowa. Ah! Now, does not the gentleman from New York think he better make his apology, in view of the situation?

Mr. BENNET of New York. The gentleman will make it in his own time.

Mr. SMITH of Iowa. Never willing to make it when he ought to make it.

Mr. BENNET of New York. The gentleman will make his apology when it was promised.

Mr. SMITH of Iowa. Certainly he will make it, but not when it is due.

Mr. BENNET of New York. When it is promised is when it is due.

Mr. SMITH of Iowa. Oh, no; not among gentlemen.

Mr. FITZGERALD. I made that statement wholly on the information of the Secretary of the Interior. I had no information then, nor had I until the gentleman just stated it, that those fraud indictments had been reinstated by a reversal of the courts.

Mr. BENNET of New York. Which simply accentuates the point made by the gentleman from Kentucky last night, that the Committee on Appropriations is so overworked that it did not secure the proper kind of information.

Mr. FITZGERALD. Let me say this to the gentleman: The Secretary of the Interior did not state that these indictments were dismissed because of any decision. His statement was that their testimony was so worthless that the indictments could not be brought to trial and were dismissed.

Mr. BENNET of New York. I am not alluding and have not alluded to that particular branch.

Mr. FITZGERALD. But that is the statement I made, and it was not because of a decision of a court that these indictments were dismissed——

Mr. BENNET of New York. And I have not criticised my colleague as yet for making the statement.

Mr. FITZGERALD. I just want to have stated the exact facts.

Mr. BENNET of New York. Therefore he is taking up time that others desire—not myself.

Mr. COOK of Colorado. Will the gentleman from New York yield to a question?

Mr. BENNET of New York. No; I have refused to yield to anyone except the members of the Committee on Appropriations. And I will accept the suggestion of the gentleman from Iowa [Mr. SMITH], and publicly apologize, on the statement of my colleague that it was he and not the gentleman from Iowa who made the statement.

Mr. FITZGERALD. I did not say that the gentleman from Iowa did not say it. I say that I did.

Mr. BENNET of New York. Well, the gentleman from Iowa did, and I will take his word. It is immaterial. It was made by a member of the Committee on Appropriations for the guidance of the House, and it was my recollection that the gentleman from Iowa made it.

Now, another gentleman called as a witness before the sundry civil subcommittee, and whose testimony is printed in the RECORD, is Mr. Trowbridge.

I have a letter here from the Commissioner of Internal Revenue, which I will not ask to have read in full, saying that Mr. Trowbridge was in a minor and subordinate position and that he had no authority to speak for the commissioner and that the commissioner does value the secret-service agents. I will ask that the letter be printed in the RECORD——

Mr. SHERLEY. Mr. Chairman, I ask that the letter be read. I object to its being printed without being read.

Mr. TAWNEY. Mr. Chairman, at that point I want to ask the gentleman if it is not true that Mr. Trowbridge was the man selected by Mr. Capers to represent him before the Committee on Appropriations in support of the estimates which he had submitted, and if Mr. Capers himself, although invited, has not repeatedly refused to come before the committee because he has less knowledge regarding the details of his office than the man he selected to represent him.

Mr. BENNET of New York. The latter part of the statement I know nothing about; the first part is quite accurate. Mr. Capers was ill, and Mr. Trowbridge went to talk about the estimates and not about the Secret Service.

Mr. TAWNEY. The statement he sent to the Committee on Appropriations was that he was out of the city, and it was not only at this session of Congress, but previous sessions of Congress that Mr. Capers sent a man who, in his judgment, was more competent to testify on the subject of the estimates than he was.

Mr. BENNET of New York. With that statement I have nothing to do; touching the details of the expenditures, yes. His statement here is that he knows the secret-service agents have been of value. Then, from the Treasury Department came my genial friend, the Assistant Secretary, Mr. Reynolds, who has charge of customs under the Treasury Department. That is not a department under which very much of the Secret Service is used. The chairman of the Committee on Appropriations has received a letter, under date of January 26, 1909, from the Secretary of the Treasury protesting against the continuation of this limitation on the ground that the Secret Service is valuable to the department.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. BENNET of New York. Yes.

Mr. TAWNEY. Will the gentleman explain to the Committee of the Whole House, if that is so, why the Secretary of the Treasury, in submitting the deficiency estimate of $20,000, recommends the continuation of that limitation during the remainder of this fiscal year?

Mr. BENNET of New York. The gentleman has received the letter of which I spoke?

Mr. TAWNEY. Yes; and I have also received the official estimates from the department in which they recommend the continuation of this limitation.

Mr. BENNET of New York. That is a matter—nothing of that kind appears in the hearings on this bill. I know nothing of the subsequent reasons, except I assume the Secretary of the Treasury, not desiring to limit his successor, has assumed that a condition may exist after the bill passes. I know what the Secretary recommends, and the gentleman from Minnesota, I assume——

Mr. TAWNEY. Will the gentleman consent to inserting in the RECORD, in connection with the Secretary's letter, the estimates where he recommends for the continuation of this limitation?

Mr. BENNET of New York. I ask unanimous consent that both be inserted in the RECORD.

Mr. SHERLEY. Mr. Chairman, I shall object to the insertion of anything in the RECORD that is not submitted on the floor of the House.

Mr. BENNET of New York. The only reason I do not state it on the floor is the lack of time——

Mr. SHERLEY. I can not help that; I object——

Mr. BENNET of New York. I have stated——

Mr. SHERLEY. I must object to any extension of remarks.

Mr. BENNET of New York. Now, a great deal of this feeling about the Secret Service comes from what might be called "corridor" talk. I have alluded to the remarks of my friend and colleague of New York about many Members who knew of instances, and to the lack of any Members coming forward to substantiate it. I have alluded to the remark of the gentleman from Kentucky. Now, Mr. Chairman, how much time have I consumed?

The CHAIRMAN. Forty-two minutes.

Mr. BENNET of New York. Then, without reading and under correction of the gentleman from Minnesota, I will state the error into which he fell in relation to the Secret Service. It will be seen in the hearings on this sundry civil bill, in which he stated that he knew of an instance where secret-service men had been employed in his district in a store in connection with the detection of counterfeiting——

Mr. TAWNEY. Mr. Chairman, I prefer to have the gentleman read what was said; it was a conversation between Mr. Wilkie and myself at the time of the hearing.

Mr. BENNET of New York. I will do that if the gentleman insists. Mr. Chairman, I can not find it at the moment, but I will state the substance.

The gentleman from Minnesota [Mr. TAWNEY] stated that he knew of an instance where a secret-service man had been employed in his district for the purpose of detecting counterfeiting. I now have it. On page 250 of the hearings on the sundry civil appropriation bill it says:

The CHAIRMAN. When you detail a man on a case of that kind—say to detect a person passing counterfeit notes—when that man goes into the employ of the concern in which the man who is suspected of passing counterfeit money is employed, does he make any account to you of the compensation he receives from the firm he is working for?

Mr. WILKIE. We have never had such a case. We have never had a man at work in any firm to get information in that way.

The CHAIRMAN. I happen to know of a case.

Mr. WILKIE. Pardon me; you do not know of any case of our men, because no such case ever existed.

The CHAIRMAN. This was a man who claimed to be one of your men.

Mr. TAWNEY. Claimed to be one of his men. I did not say secret-service men.

Mr. BENNET of New York. I admit the gentleman modified it subsequently.

Mr. TAWNEY. He did not modify it.

Mr. BENNET of New York. I will read further:

Mr. WILKIE. If all the men who claim to be in our service were in our service, your appropriation would have to be $1,350,000.

Now, the facts are, in relation to that man, that a man was employed in a store in Winona, Minn.; that he was an employee of the Thiel Detective Agency, but he never was a secret-service man; that he was employed for an entirely different purpose, and employed for a very short time, and the only way the Secret Service ever found out about it was after the chairman supplied privately to Mr. Wilkie the name of the man. They investigated him and found out that he was not a secret-service man and never had been.

I instance these things to show the inaccuracy and lack of knowledge of members of the committee. Now, this limitation takes from every department the right to use men that have been trained in the Secret Service. It has resulted in the building of a new force in the Department of Justice, which has increased the detective force of this country to the extent of 18 men, at an annual expense, counting $2,000 a man, of $36,000 a year, and, as the Attorney-General says, with a present decrease in efficiency.

Mr. SHERLEY. Will the gentleman yield right there? Is it not a fact that the Attorney-General and the Secretary of the Interior testified that the arrangement made between them, whereby a force would be created in the Department of Justice, was entered into prior to the action of Congress touching the secret-service force in the Treasury Department?

Mr. BENNET of New York. Mr. Chairman, there are three different sets of testimony about that. The Attorney-General states one thing, the Secretary of the Treasury another, and the Chief of the Secret Service another, and the House can take its choice. But the fact remains that the force in the Department of Justice has been increased from 13 to 40, an increase of 27, and the force in the Secret Service decreased but 9, which leaves a difference of 18 of increase. Besides that,

this limitation pressing upon the Secretary of the Treasury deprives him of the right to use his own men for the detection of crimes involving the billion and a half of actual money under his control.

Mr. SMITH of Iowa. Will the gentleman allow me to make a statement right there? Did not Chief Wilkie state that he had more work, as to counterfeiting, than ever before, and therefore he could have released a large number of additional men to take these places in the Department of Justice but for the fact, as he claimed, that the panic had brought about an increase of counterfeiting? Is not that true?

Mr. BENNET of New York. That is not quite the statement, but if the gentleman desires I will allow him in his own time to read it in the RECORD. It is a fact that we have hampered every department, and especially the Treasury Department; that there can not one single reason be given for this limitation. It costs more money. There is no criticism of the work of the Secret Service, and, beyond all, the gentleman from Minnesota [Mr. TAWNEY] made a great point last year that this allowed per diem men to be taken from department to department, possibly without taking additional oaths. The Department of Justice has organized exactly the same sort of a detective service as the Secret Service has, from which the same sort of details shall be made, so that that reason, if it was a reason, fails.

To conclude, Mr. Chairman, not one single reason has been advanced. The public service has been hampered. The statements made justifying the criticisms of the Secret Service are unfounded in fact, and there is no reason that can be advanced why this limitation this year ought to be adopted.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has twenty-five minutes remaining.

Mr. TAWNEY. Mr. Chairman, I yield to the gentleman from Iowa [Mr. SMITH] as much time as he may need.

Mr. SMITH of Iowa. Mr. Chairman, I hoped that on the 8th of January I said all that I would ever care to say upon the question of the Secret Service to this House. But the statements made here this morning seem to me to require that I should make some additional statement. It must be borne in mind that the Treasury Department has not a single secret service, but more than one. It has a secret service for discovering frauds upon the customs; a secret service engaged in discovering frauds upon the internal revenue. Each of these forces is of a higher and nobler type than the so-called "Secret Service." It is a matter of common knowledge among all men that one of the requisites of the common detective is that he shall be a common liar. [Laughter.] There is not a man who has tried lawsuits in the courts of this land that does not know that he can always win any case if the face of a loathesome detective is shown to the jury as a witness on the other side. They may furnish and do furnish some information to others; but their character is not so high or so noble that they should be the subject of admiration among the people.

What is the fact? These men work, many of them, at $3 a day; and it is claimed that they are indispensable to this Government in hunting down land frauds. I apprehend that there is no considerable number of them that know a legal from an illegal entry. The post-office inspector goes out, not to hunt down crime, but to audit, and in connection with the auditing he discovers crimes if they exist—infinitely more capable of doing so by reason of his knowledge of the postal laws than the cheap $3-a-day man of the Secret Service Department of the Treasury. So in the Interior Department they have a force of special agents, trained in the land laws, knowing what it takes to make a legal entry, knowing what constitutes compliance with the law, and they go not only to find frauds and illegality, but to help the law-abiding citizen and, at the same time, because they know the law, they discover its violators. Respectable men will take places as post-office inspectors and as special agents of the Interior Department, even though occasionally they have to do some detective work.

The idea that some $3 or $4 a day man, who is willing to be a common detective, will familiarize himself with all the laws, and therefore become more useful than a specialist, is simply absurd. The best illustration of the fact of it is the fact that prior to a year ago this spring part of the land business was in the hands of the Department of Justice and part in the hands of the Interior Department. The Department of Justice was doing its part of the work with the services of men from the Secret Service. The Land Office was doing it with special agents. Before this law was passed an agreement was made between the Attorney-General and the Secretary of the Interior that this work should all be taken over by the Interior Department and put in the hands of the special agents in connection with their department, and these secret-service men were turned away. The gentleman says that Mr. Wilkie testifies one way and Mr. Bonaparte testifies another, and that Mr. Garfield testifies another; and you can take whatever one you please. There is no substantial difference between the testimony of Mr. Bonaparte and the testimony of Mr. Garfield; and I have no hesitation in accepting their testimony as against that of Mr. Wilkie, the chief of the detective force of the Treasury Department. [Applause.] Now, so far as the land laws are concerned, they had a horde of these worthless detectives that worked under the Department of Justice, attempting to enforce the land laws, and they got rid of them, and within twelve months, the Secretary of the Interior tells us, he has unearthed frauds involving lands worth hundreds of millions of dollars, that these worthless men of the Secret Service had not been able to discover in all the years they had been on the job.

Mr. BENNET of New York. Will the gentleman yield for a question.

Mr. SMITH of Iowa. Oh, certainly.

Mr. BENNET of New York. Before Secretary Hitchcock commenced his investigation in 1903, and the Department of Justice started in with the Secret Service, what had been done, if anything, in relation to the enforcement of the land laws?

Mr. SMITH of Iowa. There have been prosecutions all along the line——

Mr. BENNET of New York. Where is the record of them?

Mr. SMITH of Iowa (continuing). For many years. The gentleman is laboring under the delusion derivable from the surroundings in which he lives, if he thinks there was no enforcement of the land laws until the prosecutions reported on by Mr. Rush.

Mr. BENNET of New York. The gentleman is intimate with Mr. Rush——

Mr. SMITH of Iowa. I have a slight acquaintance with Mr. Rush; a speaking acquaintance, but not an intimate acquaintance.

But Mr. Rush does not say, by a gunshot, that there never were any fraud prosecutions until Mr. Hitchcock started them. The fact of the matter is that there is not a single officer of the Government who knows anything about it except Wilkie, who claimed that there has been a material interference with the administration of any of the laws by the enactment of this limitation. Of course it is easy enough to try to discredit Mr. Trowbridge, the witness sent up here on the subject by the department, but let us see what kind of statement he has to make about this "invaluable service."

Mr. TAWNEY. We did not invite him.

Mr. SMITH of Iowa. We did not ask him up here. He was sent up to testify on this subject.

Mr. GAINES of West Virginia. By whom?

Mr. SMITH of Iowa. By the Treasury Department, by the Commissioner of Internal Revenue, when he refused to come himself.

Mr. SHERLEY. Are any of the men employed by these revenue agents that are paid out of this appropriation upon detail from the Secret Service, or are they carried regularly on the rolls under this appropriation?

Mr. TROWBRIDGE. In my ten years' experience with oleomargarine violations, when they began to get so rank the collector at Baltimore concluded that he could not cope with them, and he recommended to the Commissioner of Internal Revenue that he (the commissioner) assign a couple of secret-service men with me. He did so, and sent all my men out of Baltimore into West Virginia, Maryland, and Delaware. I gave them the inside track and told them the conditions, and assisted in every way I could. I turned those fellows loose in Baltimore for two months, and they did not show up one penny's worth of violations. That has been my experience.

And he further added that within a month after he took possession he discovered the frauds he was looking for. Now, Mr. Trowbridge is the Chief of the Internal-Revenue Secret Service. I will read a little further from this:

Mr. SHERLEY. Would you consider it essential, for the efficiency of the force, to obtain your men from the Secret Service Division of the Treasury Department?

Mr. TROWBRIDGE. No; I would not. They are a failure so far as our bureau is concerned. I have tried them. I gave them a fair test, two bright fellows, at $10 per day each and expenses for two months, and they did not meet with any success.

And that is the tenor of the testimony about this much-eulogized Secret Service.

Mr. STANLEY. How much time did the Commissioner of Internal Revenue have to show the incorrectness of the testimony given before your committee, if it was wrong, instead of doing it by letter?

Mr. SMITH of Iowa. Well, it was down there a good while; I do not know how long.

Mr. STANLEY. How long did he have notice of that statement that he says is false?

Mr. SMITH of Iowa. I do not know just how long. The gentleman from New York [Mr. BENNET] has seen fit to come in and read to this House a portion of a message which the House by an overwhelming vote declared was an invasion of the privileges of this House and should lie upon the table. I shall not call in question the propriety of the gentleman's conduct in that respect; but I have this to say: That when it is asserted here that this review of the past achievements of the Secret Service is not in dispute, I say it is in dispute that this service ever rendered the valuable aid to this Government that is pretended. [Applause.]

Mr. DOUGLAS. In connection with Mr. Trowbridge's testimony will the gentleman yield for a question?

Mr. SMITH of Iowa. Oh, certainly.

Mr. DOUGLAS. When the gentleman read that statement of Mr. Trowbridge, he stopped just short of the further statement that except those two men in Baltimore, three or four years ago, they never had had any detail from that service in connection with that work.

Mr. SMITH of Iowa. I gladly give the gentleman an opportunity to add this contribution.

Mr. DOUGLAS. I beg pardon. Does the gentleman think that is a fair test of Mr. Trowbridge's knowledge, or anybody's else?

Mr. SMITH of Iowa. I would think it was a fair test; so satisfactory that they never allowed them around any more. That is my judgment. [Laughter.] They were in the Land Department, and after they got them out, they found a hundred million dollars of fraud within twelve months after they got them out. I find them in this department, and no good——

Mr. DOUGLAS. Where does the gentleman——

Mr. SMITH of Iowa. And nowhere, except in the vainglorious boastings of Wilkie, and the testimony of men who do not know anything about it, do I find anything of the value of this service, except perhaps in the watching of jurors and the like, that would be done just as effectively and well by the secret service now created and existing in the Department of Justice.

Now, why should the counterfeiting section do the surveillance work of jurors; why more than the customs section; why more than the internal-revenue section? If we are going to have detectives to hound jurors to and from their homes, as seems to be the custom in these days, why not detectives in the Department of Justice and not detectives in the counterfeiting section of the Treasury Department?

My friend says that as the effect of this legislation we have increased the detective force. We have not increased it very much. What have we done? They told us that they had 47 men needed for the counterfeiting service and were carrying 67. It turns out that they were only carrying 65 the day the law went into effect, and suddenly Mr. Wilkie discovered that counterfeiting was spreading everywhere and he could not reduce the force below 56.

Mr. BENNET of New York. Will the gentleman yield?

Mr. SMITH of Iowa. Certainly.

Mr. BENNET of New York. Is it not a fact, in connection with that statement, that Mr. Moran testified before your committee last year that counterfeiting was on the increase?

Mr. SMITH of Iowa. I think that perhaps it was—a slight increase. I will answer that question more fully. They have been having for many years $125,000. It appeared that they had used $106,000 the previous year; and he did not think that it ought to be cut $19,000, because counterfeiting was increasing again up to the normal. There was no pretense of a necessity for an increase.

Mr. BENNET of New York. I will refresh the gentleman's recollection. Did not Mr. Moran state in that testimony—I do not know whether he used the word "normal" or not—that it was the universal experience of their division that in hard times counterfeiting increased?

Mr. SMITH of Iowa. Substantially that.

Mr. BENNET of New York. And that they would have to have an increased force?

Mr. SMITH of Iowa. It depends upon what the gentleman means by "increased force." He did not ask for anything above the $125,000.

Mr. BENNET of New York. Because they had the $19,000.

Mr. SMITH of Iowa. He did not ask for an increase above the usual appropriation.

Mr. BENNET of New York. Which was caring for 47 men, and that was to take the full $125,000.

Mr. SMITH of Iowa. But he immediately kept 56 men.

Mr. BENNET of New York. That is 9 more.

Mr. SMITH of Iowa. Yes; 9 more. Quite a good percentage of increase.

Mr. GAINES of Tennessee. Will the gentleman from Iowa yield for a question?

Mr. SMITH of Iowa. Certainly.

Mr. GAINES of Tennessee. Does the gentleman from Iowa mean to argue that the investigations of the "millions of land frauds" which Secretary Garfield says he wants the money to investigate were not begun some time ago?

Mr. SMITH of Iowa. Nothing was discovered by the Secret Service; it was discovered when they got rid of them.

Mr. GAINES of Tennessee. Where is the record?

Mr. SMITH of Iowa. It was discovered only after the secret-service men had been eliminated. The Land Department asked for $250,000 additional to maintain the work in the Interior Department, and as soon as they got their own men back they began to uncover innumerable frauds.

Mr. GAINES of Tennessee. Does the gentleman mean to say that these millions of land frauds have been discovered since the 1st of last July?

Mr. SMITH of Iowa. Since the 1st of last February, when the secret-service men were discharged.

Mr. GAINES of Tennessee. And none of these "millions" of frauds were discovered previously?

Mr. SMITH of Iowa. Oh, I can not say that there was not an acre, but substantially all of them were discovered after they got rid of the secret-service men.

Mr. TAWNEY. If my colleague will permit me, I will refer the gentleman from Tennessee to House document No. 1323, Sixtieth Congress, signed by the Secretary of the Interior, which contains all the information as to the number of frauds, the aggregate value of the land, and when the fraud was discovered.

Mr. GAINES of Tennessee. One question now, and I am done.

Mr. SMITH of Iowa. The gentleman must hurry, because my time is short.

Mr. GAINES of Tennessee. Does the gentleman mean to argue that the secret-service agents did not produce before last February discoveries which elicited the testimony which has brought about the discovery of these land frauds?

Mr. SMITH of Iowa. Mr. Chairman, I do mean to charge exactly that, and that they are worthless in land-fraud cases, and it is so testified by Secretary Garfield—that they do not know what is a legal and what is an illegal entry. They have no knowledge of land laws and they can not tell when an entryman is complying with the law and when he is not. Would you expect a $3 a day detective on all branches of human effort to be a specialist in the land laws, a specialist in the postal laws, a specialist in all the laws covering all the ramifications and branches of this Government?

Mr. GAINES of Tennessee. I would answer my friend by saying I think there are hundreds of intelligent men working for less than that in this country to-day.

Mr. SMITH of Iowa. And who know that much? Well, I do not. [Laughter.]

Mr. GAINES of Tennessee. I have seen white people who could not read or write who could tell a rascal and some of his tracks whenever they came across either.

Mr. SMITH of Iowa. Oh, Mr. Chairman, I can not devote any time to a discussion of that sort.

Mr. Chairman, there is practically one more feature, and that is all. We say that there ought to be in the Post-Office Department post-office inspectors who know the postal laws and who will study them and at the same time run down violators of them. We say there ought to be in the customs service a force of specialists in the customs law. We say there ought to be in the Internal-Revenue Service a force of specialists in the internal-revenue laws. We say there ought to be in the Interior Department a force of specialists in the land laws, all endeavoring to enforce all the laws of the United States that come within their respective spheres, and then when that work is done and these cases are handed over for prosecution to the Department of Justice, it ought to have, first, the right to call in these men who have prepared the cases to furnish any additional testimony that may be needed that has been overlooked for lack of knowledge of just what the Department of Justice would think necessary, and that department ought also to have a small detective force to look up the history of jurors and their previous affiliations and the like, and then if some special thing exists, where it is necessary to call in some of these men in one of those branches or departments which has not a special distinctive inspection service, the Department of Justice charged with the enforcement of all the laws should furnish the men, and they should not be furnished from the counterfeiting section in the Treasury Department. [Applause.]

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

Mr. SMITH of Iowa. Yes.

Mr. STANLEY. There is one serious defect about the proposition that the gentleman has announced—a very serious one. To have men trained and regularly employed with definite service, with one particular thing to do, would rob this service of its mystery, of its sensationalism, of its attractiveness to the general public. [Laughter.]

Mr. SMITH of Iowa. The gentleman is right.

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

Mr. SMITH of Iowa. Yes.

Mr. DOUGLAS. The gentleman has in his concluding remarks, as I understand them, substantially agreed with the Attorney-General's office as to this matter.

Mr. SMITH of Iowa. If the gentleman means to transfer the Secret Service in the Treasury Department to the Department of Justice, no.

Mr. PARSONS. Why not?

Mr. SMITH of Iowa. Because it was created by Congress to hunt down counterfeiting, and it better do what it has been told to do.

Mr. DOUGLAS. I simply want to call the attention of the House and the gentleman to these few lines in Mr. Bonaparte's testimony, and I do not think I disagree substantially with the gentleman. He says:

I think that is the logical end to which we ought to tend—a force in each department, discharging substantially the duties of the examiners in the Department of Justice, who look into the official conduct of all subordinates in that department or public officers over which it has a certain measure of supervision—a corps something like that in each department for administrative matters, and then a central office which I would place in the Department of Justice to attend to all detective work that goes beyond that line where it becomes clearly——

Mr. SMITH of Iowa. The Attorney-General and I do not draw the line quite at the same place. Generally speaking, we are in harmony, but we do not draw the line quite at the same place.

Mr. DOUGLAS. Then is the gentleman in harmony with this further statement of the Attorney-General in that connection:

I think that any restriction which limits the scope of the employment of a force of this character would tend to the advantage of lawbreakers.

Mr. SMITH of Iowa. I will not agree that any restriction would. I say that this law ought to provide that this force could be used to investigate crimes against the United States and frauds upon the Government, and anybody who chose to use it for any purpose beyond that should go to the penitentiary. That is what I think.

Mr. DOUGLAS. One other question. Since this force is already established and in working order in the Treasury Department, and has been for nearly fifty years——

Mr. SMITH of Iowa. No.

Mr. DOUGLAS. Excuse me; let me finish the sentence—what is the objection to practically leaving it there, instead of transferring it to the Department of Justice?

Mr. SMITH of Iowa. The gentleman is mistaken. There never was such general force in the Treasury Department, but a counterfeiting force was there, and in very recent years only has this force been transferred to general use other than in the sphere of counterfeiting, and only recently have there been many of them. Now, we have organized in the Department of Justice a general detective force. Let that force do what it was created for. The men who raid counterfeiting dens are not, ordinarily, the same type of men who could take charge of land cases and postal frauds. Let them stay in the places for which they were organized and do this work, and let the Attorney-General with his force do his work. I want to add right there that when this change took place last June this Chief of the Secret Service sent the names of 20 men in a list to the Attorney-General from whom he might select 9, and the Attorney-General selected 9 of the best he could get out of the 20, and he has been compelled for the good of the service to separate 3 from the 9 in the intervening period. [Applause.]

Mr. DOUGLAS. I have read what he said about that. I do not care——

Mr. BENNET of New York. Did the Attorney-General say he transferred them for the good of the service?

Mr. SMITH of Iowa. He said they were not satisfactory, and he let them go.

Mr. BENNET of New York. He said they were practically working under his management, and the question was asked him if the change in management might not have something to do with it, and the Attorney-General said it might have had, if my recollection is right.

Mr. SMITH of Iowa. I do not recall that; but I remember distinctly he said that their services were not satisfactory, and 33 per cent of those he did take have since been separated from the service, and he only took 9 out of 20.

Mr. PRINCE. Mr. Chairman, may I ask the gentleman a question?

Mr. SMITH of Iowa. I do not desire to take up all the time.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. PRINCE. Mr. Chairman, I rise for the purpose of asking the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. SMITH of Iowa. Oh, certainly.

Mr. PRINCE. I wish the gentleman would state to the committee whether he, as a member of the Committee on Appropriations, and the committee which he represents have made ample appropriation for a force like the one he has described, which will in no sense hamper the administration of justice?

Mr. SMITH of Iowa. Certainly they did. There has not been a single reduction, except last year we reduced the appropriation for the Secret Service in the Treasury $10,000 on the showing they had $19,000 surplus from the year before, but all the other appropriations for this purpose have been increased or kept at what they were before.

Mr. CAMPBELL. Have you increased the appropriations for investigating violations of the land laws?

Mr. SMITH of Iowa. Double last year and quadruple this year what they were two years ago.

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

Mr. SMITH of Iowa. I will.

Mr. PARSONS. I understood the gentleman to say that he would not agree with the Attorney-General that the personnel of the Secret-Service Division should be transferred to the Department of Justice because they were not fit.

Mr. SMITH of Iowa. That is my judgment.

Mr. PARSONS. I wish to ask him, Does the gentleman contend that the Secret Service Division, which has the protection of the person of the President, three of whom have been assassinated, is not a proper force to be transferred to the Department of Justice if we are going to have some central bureau——

Mr. SMITH of Iowa. I say, since the gentleman sees fit to raise this sad subject, that the only President assassinated since the Secret Service was assigned to guard the President of the United States was William McKinley, with a secret-service man standing by his side who could not detect the bundled-up hand of the assassin when he came and shot William McKinley down. [Applause.]

Mr. PARSONS. And had been appointed, I believe, at the express request of President McKinley.

Mr. SMITH of Iowa. That is all that the testimony shows of the value of the Secret Service in defending the President.

Mr. DOUGLAS. Mr. Foster, who stood by the President, was in no true sense a secret-service man; except, I admit, he drew his pay from that service. [Laughter.]

Mr. SMITH of Iowa. And was on the roll as a regular secret-service man. And when this man allowed the American President to be shot down, and could not discover this great bandage on the approaching man's hand, and could not even capture the murderer, it took a man with a black skin to take the murderer prisoner.

Mr. POLLARD. Can I ask the gentleman from Iowa [Mr. SMITH] a question?

Mr. SMITH of Iowa. I think it is an outrage for me to consume all the time on this side. However, I will answer the gentleman's question.

Mr. POLLARD. I understood the gentleman to say that the committee had provided a secret service in the Department of Justice, which would be used in the prosecution by the Attorney-General of crimes against the Government, without respect to the department in which the crime was committed. Is that true?

Mr. SMITH of Iowa. I say that that force can be used for the enforcement of the laws of the United States anywhere; yes, sir.

Mr. POLLARD. Under the direction of the Department of Justice?

Mr. SMITH of Iowa. Under the direction of the Attorney-General. I want to say in that connection to the gentleman from Nebraska that not only has the Department of Justice a right to use this force in seeking violations of the laws of the United States, but if it is deemed advisable to pay out of the Treasury of the United States men to follow Congressmen or Members of the Senate, whether suspected of crime or not, this force can be used now for that purpose without any legal impediment whatever; that there is absolutely no restraint whatever upon the following of Senators and Members of the House by the secret-service force in the Department of Justice; and the fact that there is no restraint absolutely negatives the idea that any Member of the House had any thought in mind of pro-

tecting himself or his colleagues by adding this amendment to the provision for the Secret Service in the Treasury Department.

Mr. POLLARD. I trust the gentleman will understand that I had no such idea in mind in asking the question. I was simply speaking of the Nation. I would like to inquire whether, since the committee has made this change in the Secret Service, they have also increased the appropriation for the Department of Justice, so that they have ample funds now to prosecute these cases?

Mr. SMITH of Iowa. I will answer, first, that they have had all that is necessary for that purpose, and I will tell you why. When these men were formerly assigned to the Department of Justice they were paid out of the Department of Justice money and not out of the Treasury Department money, so that the money that they paid these men they could pay to these new men; but we have, in fact, increased their appropriation, so that they could employ even more men for this purpose.

Mr. POLLARD. How much?

Mr. SMITH of Iowa. I can not give the gentleman the exact figures now. I am told, $20,000.

Mr. TAWNEY. I think it is $50,000, in the miscellaneous expenditures in the Department of Justice in the courts of the United States.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WASHBURN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate has 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. 26916) making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1910.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 27419. An act to repeal the act of June 29, 1906, granting a pension to Jackson Adkins;

H. R. 27363. An act to provide for improving the navigable capacity of the Sabine and Neches rivers and the canal connecting the Sabine and Neches rivers with the mouth of Taylors Bayou;

H. R. 8734. An act for the relief of Niels P. Larsen; and

H. R. 28104. An act to amend an act to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, approved February 1, 1908.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 27061. An act to provide for the appointment of an additional district judge in and for the western district of Washington.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 9017) for the establishment of a subport of entry at Ranier, Minn.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 23717. An act to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war, and to certain widows and helpless and dependent relatives of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. TAWNEY] reserve the balance of his time?

Mr. TAWNEY. I reserve the balance of my time.

Mr. BENNET of New York. Mr. Chairman, I yield to my colleague from New York [Mr. DRISCOLL] for nine minutes.

Mr. DRISCOLL. Mr. Chairman, it is not my intention to indulge in hair-splitting criticisms of what was said on this question the 1st day of last May when this particular paragraph as a limitation was incorporated onto this appropriation, nor what was said by the gentleman on the floor of this House on the 8th day of January on this question while considering the President's message. I assume that we are all here for the purpose of legislating for the best interests of the Government and the public service. I assume that we are not here in a hostile spirit toward any department, or any bureau or division of any department, but to get the worth of our money if we can for the several sums appropriated.

I may say in passing that the criticism just offered by the gentleman from Iowa [Mr. SMITH] in what he said, and especially in the manner in which he said it, with respect to the secret-service force, was not, in my judgment, entirely appropriate. He speaks of them as cheap men, $3 a day, or $4 a day men, who must lie in their business; and his language on that point was very sarcastic and bitter.

Mr. Chairman, I admit that a man who is a detective, whose profession is to discover crime and hunt down criminals, can not be a man of high moral ideals; that he can not be a strictly truthful man at all times and under all circumstances, and be eminently successful in his profession. I admit that every good detective, from Sherlock Holmes down, or from Sherlock Holmes up, must be a liar; that is, he must be willing when necessary to change his name, represent himself as a different man from what he is and in a different business from what he is, in order that he may insinuate himself into the confidence of the person or persons suspected of crime, to the end that he may develop the facts and bring them to justice. All good detectives have employed those methods when necessary in the investigation and suppression of crime and the conviction of criminals. I do not mean to say that they would or do lie on the witness stand when criminals are being tried, but of necessity they must and do live lives of deception in order to unearth and discover the facts which do exist in the commission of crimes. In other words, a man can not always be truthful, sincere, and honest when he is striving to worm himself into the confidence of accomplished criminals. There is an old saying, which is as true to-day as it was when it originated, that "It takes a thief to catch a thief." [Laughter and applause.]

Mr. BEDE. You are making it worse. [Laughter.]

Mr. DRISCOLL. In my view of the question I am not making it worse. [Renewed laughter.] I mean just what I say—that a strictly honest, ingenuous man can not, in the very nature of things, be a successful detective of crime, nor can he run down and bring to justice accomplished thieves. [Laughter.]

My contention is that these men in the Secret Service are able, skilled, and trained detectives, according to my description of detectives. They are fit men for the work they undertake and for the service for which they are paid; and if they are bad men—that is, unfit for the work of discovering crime and bringing criminals to justice, why are they retained in the service, and why has this appropriation of $125,000 for their support, maintenance, and compensation been made from year to year?

Mr. Chairman, my point is this: One hundred and twenty-five thousand dollars are appropriated for the pay and maintenance of those men, and they are limited by this paragraph to two classes of work only, one, the suppression of counterfeiting, and the other, protecting the President from assault. It is my contention that they should be permitted and required to do other kinds of detective service when necessary in the Government, and for the protection of the public from fraud and wrong, especially in the Treasury Department. There are other bureaus or divisions in the Treasury Department in which crimes have been committed, and will probably be committed in the future, in the detection and punishment of which these trained men have been and will be of valuable service to the Nation. There are the mints and assay offices——

Mr. YOUNG. Will the gentleman yield?

Mr. DRISCOLL. I would be only too glad to do so if I had time.

Mr. YOUNG. I simply suggest to the gentleman that Mr. Wilkie, chief of this force, has sworn within the last three days that they were all employed in their legitimate work.

Mr. DRISCOLL. I was about to say when interrupted that there are mints and assay offices, the Bureau of Engraving and Printing, and other fields of public service under the Treasury Department in which crimes have been committed in the past, and will be committed in the future; and it is known that these crimes have demanded the services of skilled, able, trained, professional detectives to detect such crimes and punish such wrongdoers, and that an honest fellow off the farm [laughter] is not the kind of agent to accomplish the best results.

Mr. CUSHMAN. Is the gentleman looking at me?

Mr. DRISCOLL. I was looking at the gentleman from Washington, and it occurred to my mind that I would never think of

selecting that honest, unsophisticated gentleman to ferret out such crimes or to send after that class of lawbreakers. Every man to his calling. These men in the Secret Service are trained. It is their profession to detect crime [laughter], and they are good men and necessary in the service of the Government.

We ask here that those men be not confined alone to the duties of protecting the Executive and suppressing counterfeiting. [Laughter.] This is not a question of hilarity [laughter] or for amusement. If crimes are committed in other bureaus of the Treasury Department the Secretary of the Treasury should be permitted to detail one or more of those secret-service men to investigate such crimes, discover the perpetrators if possible, and bring them to justice.

On the 1st day of last May, when this particular paragraph was under consideration, as far as I now recollect, the statement was not made before the Committee of the Whole House that the President was very anxious that this limitation be not placed upon this appropriation. I do not think it was stated that the Secretary of the Treasury was very strongly opposed to this limitation. It is my judgment that if those statements had been made on the floor of the House this limitation would not have been adopted at that time.

We now are aware that the President is very strongly opposed to this limitation and is anxious that it be stricken from the bill. The Secretary of the Treasury is also very desirous that this limitation be removed as far as his department is concerned. He has the right and the power under the law to transfer other clerks and employees in his department from one bureau to another in his discretion and for the good of the service; but he is not permitted under this limitation to detail any of those men to apprehend criminals and detect crimes committed in the mints or assay offices, in the Bureau of Engraving and Printing, or any other bureau or division in his department, because they are confined by this limitation, and the construction put upon it by the Committee on Appropriations, and also by the Secretary of the Treasury, to do just those two kinds of work. It is my notion that there should not be a secret-service division or force in each department, but that there should be a general detective or secret-service division in the Government, where all facts discovered with reference to the persons and matters may be gathered together for future reference and for assistance when crimes are committed; and when it appears that felonies are committed in any department, or in any bureau, those skilled, trained, and professional detectives should be detailed to investigate those cases to discover the perpetrators of such crimes, and, if possible, bring them to punishment. By that means all the members of the secret-service force would be employed, at all events when services of that kind were necessary anywhere in the Government, and this practice would tend toward economy and the effective suppression of offenses against the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DRISCOLL. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. SHERLEY. I object.

Mr. BENNET of New York. Will the gentleman from Minnesota consume some of his time?

Mr. TAWNEY. I will yield five minutes to the gentleman from Kentucky [Mr. SHERLEY] or the gentleman from New York [Mr. FITZGERALD].

Mr. SHERLEY. At present I do not desire to take time. There has been no argument so far for the repeal of this limitation that I consider needs an answer.

Mr. TAWNEY. Then I yield five minutes to the gentleman from Colorado, who wants to speak.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The request was put to the House and objection was made.

Mr. DRISCOLL. I again ask it.

The CHAIRMAN. And the gentleman repeats his request.

Mr. SHERLEY. And I again object.

Mr. COOK of Colorado. Mr. Chairman, as a Member of the United States Congress and a coequal in power with the executive department under the provisions of the Constitution, I claim and assert the right to defend my citizen constituents and myself from the encroachments and abuse of the executive power of the present national administration.

In the President's message of January 4, 1909, he uses the following language:

> In Colorado one of the secret-service men was assassinated.

This is positively an incorrect statement and not warranted by the facts. The truth is, Mr. Mason, superintendent, and Joseph Vanderweide, foreman, of the Porter Fuel Company, whose mines are situate 14 miles west of Durango, at Hesperus, advised James R. Walker, special agent of the Government, and three other government detectives, if they desired to examine the coal property a competent guide and safety lamps would be furnished; but instead of this Mr. Walker took three men and went to the property, armed, and entered an abandoned coal shaft belonging to the Porter Fuel Company and lowered the three men with a block and tackle a distance of 70 feet into the mine, using naked lights, a foolish and criminal act which might have caused an explosion, killing 60 miners employed therein.

When Special Agent Walker saw Mason approaching he fired one shot at Mason, and attempted to fire a second time, when Joseph Vanderweide, armed with a shotgun, fired, killing Walker.

Both Mason and Vanderweide were tried in the district courts of Colorado, at Durango, and acquitted.

Special Agent Walker and his three associates had no warrant of law, or authority from the owners or officers of the Porter Fuel Company to enter therein, but were trespassers.

Mason and Vanderweide, after being acquitted in the state court at Durango, were taken before Judge Lewis, of the United States district court at Denver, and were acquitted of the charge of murder. One of the three men let down into the mine by the block and tackle was a notorious horse thief, and employed by the Secret Service of the Government.

The date of the killing was November 3, 1907.

In the President's message of January 4, 1909, in his defense of the Secret Service, reference was made to the Colorado cases still pending in the United States court.

On January 10, 1908, I addressed an open letter to the President of the United States, the Vice-President, Speaker Cannon, the honorable members of the Supreme Court, the members of the Cabinet, and all of the Members of the Sixtieth Congress.

And I read from portions of that letter as follows:

> I most earnestly protest against the continued high-handed, pernicious political persecution made by certain of the department bureaus of the Government in this city, branding many of our most honorable, upright, and law-abiding business men of Colorado as criminals.
>
> Their only information and authority for such malicious statements are reports made to them by nonresident special agents and "prosecutors" sent to Colorado, whose accusations against innocent men are for the sole purpose of securing personal promotion in Washington and the opportunity for the governmental bureaus here to disseminate among the press throughout the country misrepresentations as to timber-land and coal thieves that do not exist in Colorado.

Judge Robert E. Lewis, of the United States district court, Denver, on December 24, 26, and 30, 1907, quashed all of the indictments against some 30 of our most worthy and reputable citizens, some of whom had been engaged in business in Colorado for thirty years, on the ground that the Government had failed to find any evidence against these men, a most stinging and severe rebuke by Judge Lewis, of the United States district court, an appointee of the present administration.

Mr. BENNET of New York. Will the gentleman yield for a question?

Mr. COOK of Colorado. I certainly will. The gentleman declined to yield to me, but I will grant him that courtesy.

Mr. BENNET of New York. Our situations were somewhat different. I will ask the gentleman if he does not know that that decision of Judge Lewis has since been reversed by the Supreme Court of the United States?

Mr. COOK of Colorado. I desire to say for the information of the gentleman that he never made a more inaccurate statement in his life. On January 4 of this year Mr. Justice White, of the Supreme Court, all the justices concurring, sustained Judge Lewis's decision in every particular.

Mr. BENNET of New York. The Attorney-General states just the opposite.

Mr. COOK of Colorado. My dear sir, you are mistaken. Now, if the gentleman will let me proceed——

Mr. BENNET of New York. What case is the gentleman talking about?

Mr. COOK of Colorado. I am talking about all the land cases. There were some 75 or 80 of our citizens indicted by nonresident special agents and so-called "detectives," who were sent to my State.

Mr. BENNET of New York. Those cases were reversed by the Supreme Court.

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

Mr. TAWNEY. I yield to the gentleman five minutes more.

Mr. COOK of Colorado. Active preparations were made by certain high officials in Washington for the prosecution of these

cases, and who condemned honorable men of unquestioned integrity before being found guilty of any violation of the law, or even given an opportunity of defense.

Judge Lewis's decision gives universal satisfaction to all of our people in Colorado regardless of their political affiliations, and is indorsed by a united press; in fact, every newspaper in the State most heartily commends Judge Lewis's action. Thus the truth has been vindicated.

Mr. BENNET of New York. Will the gentleman yield for the statement that those indictments filed June 10, 1907, were reversed and dismissed by Judge Lewis, and that the decision dismissing them was reversed by the Supreme Court in the case of the United States *v.* Kittle et al., October 10, 1908, No. 286?

Mr. COOK of Colorado. I will say that I will substantiate the remarks I have made here by bringing before the Members of this honorable House the decision of the Supreme Court of the United States made on January 4, 1909.

In this connection I beg to call attention to editorial below from the Denver Republican of December 26, 1907; also editorial of December 25, 1907, written by ex-Senator T. M. Patterson, owner and editor of the Rocky Mountain News, Denver:

[From the Denver Republican, Thursday, December 26, 1907.]

A RETURN TO SANITY IN LAND AFFAIRS.

By his decision quashing indictments against a number of local lumberman, Judge Lewis, in the United States court, struck a blow for justice and sanity where it has been needed for some time. His action was a rebuke to the idea that seems to prevail in some quarters at Washington that special agents are alone able to ferret out, punish, and prevent violations of the land laws. Incidentally it comes as a defense of the westerner from the imputation of departmental Washington that everyone who seeks to avail himself of the laws regulating the disposal of government lands is inherently and by practice a criminal.

No doubt Uncle Sam of himself is just as generously disposed in the matter of giving his western lands to men who would use them as he was when his laws were drawn to regulate their disposal; but of late there has grown in the minds of some officials in Washington the idea that every man who ever filed a claim did so with malicious intent to rob the Government and thwart the department in its duty. As a part of that suspicion comes the thought that every western man is in the conspiracy, and that therefore the regular agents of the Government are not to be trusted in such matters. This leads to sending west to unearth gigantic frauds special agents, who, having their spurs to win, proceed to find what they are sent after.

In many cases, the special agent is one whose knowledge of practical affairs is confined to holding a job in Washington. Coming West and discovering that certain individuals have made money by availing themselves of the Government's liberality in land affairs, such a man leaps promptly to the conclusion that there was fraud in acquiring the lands. His philosophy can not cover the fact that the Westerner in taking advantage of the land laws as they exist may make money and still be honest—that the laws are drawn to give him that very opportunity. To him the fact of having taken up lands and made money becomes ground enough for charging fraud, and he rushes to the courts and begins action.

When the suits brought by Judge Lewis were brought against some of the most reputable business men of Colorado, most people understood that they were the outgrowth of this excess of zeal on the part of such special agents. Men of the highest character were forced for a time to stand under the imputation of conspiracy to defraud the Government. They courted the fullest investigation, but the cases brought were found to have so flimsy a base that the judge refused to let them be tried. In so deciding he took pains to point out to the land officials that they had failed to show wherein a single law had been violated, and reminded them that it is beyond their power to determine how the Government ought to dispose of its lands and then charge the commission of crime on that theory.

The existing land laws have stood the test of time, and have been a large factor in making the West. None too liberal, they are yet calculated, and rightly so, to benefit the man who avails himself of them. Men prosper from seizing the opportunities presented, just as the framers of the laws intended they should. The attitude of the Government toward settlers has not changed; the laws passed by Congress stand to-day as they have stood for years. This idea of calling a man a thief because he has made his money out of land given him to use exactly for that purpose comes not from the Government, not from Congress, or the administration, but from the overzealous special agent sent to find that a fraud was committed or write himself unequal to the task. Usually the men he is set to accuse have been suspected in Washington departments before the agent has begun even to collect evidence for the courts, and he dare not fail to make good.

The decision of Judge Lewis will go a long way toward putting a stop to such practices and bring about a return to sanity in land affairs.

[From the Daily News, Denver, December 25, 1907.]

GOOD MEN CLEARED.

One of the things that added to the Christmas joy of this office was the action of Judge Lewis, of the federal court, in quashing indictments against 11 citizens of Colorado. These men were charged with the conspiracy to defraud the Government, and Judge Lewis, assuredly a man not blind to his obligations to his country, has dismissed the charges in a decision which clears the indicted men of anything that could be called an offense.

It is mightily satisfactory, for among these eleven were men like Charles D. McPhee and John McGinnity and Alexander T. Sullenberger. All of them are men past middle life, and their lives have been spent in upbuilding the communities which have been lucky enough to own them. All of them are men against whom no suspicion of dishonesty ever breathed. All of them have doubtless suffered more from this charge than a real criminal would have suffered from conviction and imprisonment. But at least they have the satisfaction of a vindication as complete as the law can make it. And the News frankly rejoices. Up till last winter the Government had no right of appeal in cases like the present. Last winter a bill was passed conferring on the Government the right of appeal in criminal cases where indictments were quashed by a judge, not where the facts were passed on by a jury. But this does not mean that the indicted men will have to again stand trial. The law in question was passed simply for the purpose of getting an even, standardized construction of the law from the highest court in the land. Hitherto one judge has declared the law to be this and another one has declared with equal force that the law was that, and the Government agents have been greatly puzzled by the conflicting interpretations. The Government's new right of criminal appeal insures that the law will be uniformly construed. But even if the Supreme Court should reverse Judge Lewis on this case, it will mean only a final statement of the meaning of the points of law involved. The old provision of the Constitution that no man shall twice be placed in jeopardy of life or limb for one offense still stands, and must stand forever.

Our only regret is that the good and necessary work of running down the land frauds seems so likely to cause trouble and expense to honorable and worthy men. Perhaps this is one of those faults that can not be helped, and must even be endured with what grace one may summon. Anyway, we are glad that in this case the wrong went no further, and that the decision of Judge Lewis was as sweeping as it is final.

And I want to say now for the information of the gentleman from New York, admirers of the President, and Members of this House that our citizens are willing and ready to meet the issue raised by the impulsive administration; but as to the purpose on the part of the latter I can not comprehend, unless to continue in the "lime light," and therefore the country will be saved—from the bureaucrat's point of view.

The article in the Washington Star of December 31, 1907, quotes the Commissioner of the Land Office as saying:

> They will call 60 to 80 violations of the land laws in Colorado to the attention of the grand jury, and some of these may involve a number of the very persons whom Judge Lewis has discharged.

This is subterfuge bordering on the farcical and is disseminated to the press of the country for the purpose of misleading the public as to so-called "land frauds" that do not and have not existed in Colorado.

Our citizens have submissively and with patience undergone these persecutions for alleged offenses, and every fair-minded citizen should join in commendation that we have in our country true judges, who have the courage of their convictions and believe in justice to every citizen and a real "square deal, emphasized."

The President called a special meeting of the Cabinet on December 31, 1907, to take action as to Judge Lewis's decision in the Colorado cases.

The President criticised the judiciary, and authorized the Attorney-General to say:

> The Government will use every means in its power to bring about in the higher courts disapproval of the decision of Judge Lewis.

The unprecedented and dictatorial encroachment of the Executive against the legislative and judicial departments of the Government is almost a daily threat to the peace and prosperity of the Republic, and should be knocked on the head by the constitutional decision of the Supreme Court.

As I prophesied in my general letter hereinbefore referred to, I quote the gist of the decision delivered by Justice White, of the Supreme Court of the United States, on January 4, 1909, all of the associate justices concurring as to the Colorado cases. He said:

> This also serves to demonstrate that no error was committed by the court below in holding that under section 5440 acts charged in the indictment could not possibly have constituted a defrauding of the United States in any manner or for any purpose within the intendment of the section.

Strange and miraculous to say, that same day, January 4, 1909, as to the Colorado cases, the decision by the Supreme Court of the United States knocked the administration legally on the head, as I had predicted in my open letter of January 10, 1908.

By the dictation of the President, the Attorney-General at Washington appealed these Colorado cases, with a great flourish, to the Supreme Court of the United States, and that grand body of just judges affirmed by unanimous decision—substantiated the United States district court of Colorado in dismissal of the cases.

It is unfortunate not only for President Roosevelt, but for the citizens of the Republic, that he has not a legal mind and no equipoise of executive reason, riding through and around the arena of political action on his broncho of arrogant, egotistical impulse, pretending to throw his lariat of execution at the heels and broad horns of capital, for the delectation of voting labor, and ending the scene with the cunning catch of a prairie wolf or a gopher.

In all of this fuss and feathers of the whole administration, he and his pliant Attorney-General have not sent a single "plutocrat" to the penitentiary.

Such a keen political speculator, and political and financial strenuosity has never been seen before in this Republic, and let us fervently hope that his like shall never be seen again.

Look at the paragraphs of his rattled messages and you will be startled to see and read the insinuations and abusive phrases against the legislative and judicial departments of the Government.

The liberty of the people is gradually and secretly stolen by sneaking executive encroachments, and even judicial decisions where the freedom of speech and of the press are denied, are a most outrageous injustice to the toiling multitude.

The voice of the people is over and above all constitutions, courts, and Congress.

President Roosevelt seems to think that he alone is the Government and that his ipse dixit must rule everybody, including the poor and friendless black soldiers of Brownsville, who were insulted, dismissed, and degraded without proof or trial by executive order and without any warrant of reason or law.

President Roosevelt runs the Government on the same principle that the beef trust runs its sausage factory, from a personal standpoint, using legislative and judicial pork as the crude material of his fantastic administration.

Mr. TAWNEY. Will the gentleman from Colorado——

The CHAIRMAN. Will the gentleman from Colorado suspend a moment?

Mr. TAWNEY. I yielded to the gentleman for the purpose of discussing the amendment offered or the motion made by the gentleman from New York [Mr. BENNET], not for the purpose of indulging in any personal abuse.

Mr. COOK of Colorado. All the remarks I have made relate solely to the subject-matter before the House at this time.

While imitating Rienzi and Cromwell in fooling the people, he is practicing the hypocrisy and dictatorship of Cleon and Dionysius and has built up a Roosevelt ring in the army, navy, and civil service, all for his personal and political glory, supreme in his impudence, vanity, arrogance, and imperial egotism.

His veto messages are made from the impulsive and ignorant information of his Cabinet clerks, and the vacillating Attorney-General is a weak legal reed of the Rough Rider's dependence, who even recently gave a false statement to the President upon the joint resolution passed by Congress determining the question of the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BENNET of New York. Mr. Chairman——

The CHAIRMAN. The Chair appeals to the gentleman to suspend. The time of the gentleman has again expired.

Mr. COOK of Colorado. The President, in his veto message, stated December 19, 1908——

The CHAIRMAN. The gentleman's time has expired.

Mr. STANLEY. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

Mr. TAWNEY. I demand the regular order.

Mr. BENNET of New York. Mr. Chairman, I yield five minutes——

Mr. COOK of Colorado. Mr. Chairman, I ask for five minutes more.

Mr. TAWNEY. I have no more time to yield the gentleman.

Mr. COOK of Colorado. Then, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HOWLAND. I object.

Mr. TAWNEY. I demand the regular order.

The CHAIRMAN. The gentleman from Minnesota demands the regular order.

Mr. BENNET of New York. I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I stand now, and I have always stood, for the necessary appropriation for a well-regulated secret-service system, and whether it should be all in the Treasury Department or divided up between the other departments I do not know. That is a matter of detail. When the matter was up on May 1, 1908, I was in the Chamber, and the gentleman from New York [Mr. BENNET] in part said:

> You make utterly useless the efforts that have been made through the Secret Service for the last three or four years in these antitrust prosecutions in New York City.

I then asked him this question:

> The gentleman means, in state prosecutions or federal prosecutions?
> Mr. BENNET of New York. I mean federal prosecutions.

Now, then, a little later on, same day and debate, I asked the gentleman from Minnesota [Mr. TAWNEY] this—

> Has the Government used the secret-service agents in getting up testimony in these lawsuits——
>
> [Cries of "Vote!" "Vote!"]
>
> Mr. TAWNEY. I move that all debate on this paragraph and amendments be now closed.
>
> Mr. GAINES of Tennessee. Will the gentleman answer my question whether or not the Government uses the secret-service agents to get evidence in these lawsuits? (CONG. RECORD, p. 5560, May 1, 1908.)

I voted then and there against this limitation and think I did right, and now I am afraid to-day that you are again "cutting the dog's tail off just behind his ears." I hope this amendment will prevail and the proposition knocked out. That is the position I take now and took May 1, 1908, when this matter was up.

Now, then, Mr. Chairman, I find on investigation of this matter that Attorney-General Bonaparte, in his report to Congress for 1907, asked for a secret-service force to carry out the duties of the Department of Justice. He says that his department very much needed a "detective force." If I have only a few minutes and unless I can get my time extended, I will have to ask unanimous consent to put this recommendation in the RECORD as a part of my remarks.

The CHAIRMAN. Without objection, the gentleman from Tennessee may extend his remarks in the RECORD.

Mr. SHERLEY. I object.

Mr. GAINES of Tennessee. I hope the gentleman from Kentucky will not object.

Mr. SHERLEY. I have to make my objection general.

Mr. GAINES of Tennessee. Has the gentleman read the report?

Mr. SHERLEY. I have.

Mr. GAINES of Tennessee. Has the gentleman read the part of the report to which I refer?

Mr. SHERLEY. I have not only read that part of the report, but I have cross-examined the gentleman in relation to it.

Mr. GAINES of Tennessee. Here is the Attorney-General's report of 1908. Here is what the Attorney-General says in his last report of 1908:

> In my last annual report I called attention to the fact that this department was obliged to call upon the Treasury Department for detective service and had, in fact, no permanent detective force directly under its orders. Through the prohibition of its further use of the secret-service force, contained in the sundry civil appropriation act, approved May 27, 1908, it became necessary for the department to organize a small force of special agents of its own. Although such action was involuntary on the part of this department, the consequences of the innovation have been on the whole moderately satisfactory. The special agents, placed as they are under the direct orders of the chief examiner, who receives from them daily reports and summarizes these for submission each day to the Attorney-General, knows or ought to know at all times what they are doing and at what cost. Under these circumstances he may be justly held responsible for the efficiency and economy of the service rendered. The experience of the past six months has shown clearly that such a force is, under modern conditions, absolutely indispensable to the proper discharge of the duties of this department, and it is hoped that its merits will be augmented and its attendant expense reduced by further experience.

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

Mr. GAINES of Tennessee. Mr. Chairman, I hope that we will not crush the enforcement of the law against land frauds and against conspiracy for the violation of interstate and foreign commerce law contrary to the Sherman antitrust law. That is where I stand and the way I will vote. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENBY 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 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. 21896) to amend section 86 of an act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. TAWNEY. I now yield five minutes to the gentleman from New York [Mr. WALDO].

Mr. WALDO. Mr. Chairman, it seems to me that the most of this discussion has had little to do with the question as to whether the limitation should continue in the bill. There is no question raised, as I understand, by anyone that the $32,000,000 appropriated last year for the investigation and prevention of fraud and crime is not sufficient. It is my understanding that no substantial reduction is intended in the appropriation for this year. The only question here before the House is whether we believe in a central secret-service bureau, such as there is in Russia to-day, or whether we believe the separate departments should investigate the violations of law in those departments by a trained force of their own. That is all there is to this question. I believe that it would be a great blow to freedom and to free institutions if there should arise in this country any such great central secret-service bureau as there is in Russia. We do not need it here in this country, and there ought not to be any such bureau. Crimes are amply prosecuted. They are much better investigated and detected by the several departments of the Government, which have trained

men who understand the business of their different departments. Therefore I trust that the motion of the gentleman from New York will not prevail. [Applause.]

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent to have read from the desk part of the Attorney-General's report of 1907 that I wanted to read a few minutes ago, but did not have time. It is right on the point, and we ought to have it read.

Mr. TAWNEY. Mr. Chairman, the time has been fixed for closing this debate and I must object.

Mr. GAINES of Tennessee. Will the gentleman give me the time to read it?

Mr. TAWNEY. In objecting, I wish to say to the gentleman from Tennessee that the document is a public document and everybody can get it who wants it. It has been printed in the hearings both this year and last year.

Mr. GAINES of Tennessee. It has not been read in this House at all. Does the gentleman object?

Mr. TAWNEY. I object, unless it comes out of the time of somebody else.

Mr. GAINES of Tennessee. I will ask the gentleman from New York to give me time to have this read.

Mr. BENNET of New York. I can not do it.

The CHAIRMAN. The gentleman from Minnesota has twenty-eight minutes remaining and the gentleman from New York eleven minutes.

Mr. BENNET of New York. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I think that there has been a confusion of the issue here. We have listened to abuse of the secret-service men and to diatribes more or less violent, not to say virulent, against one of the greatest of our Presidents, and all this has met with the applause and the laughter of Members of the House of Representatives. But the President is not the issue here. I was reminded, while listening to the gentleman from Colorado [Mr. COOK], of a similar utterance, about which I have read, made in Congress during the war by a "copperhead"—one of the men who, in the dark days of 1861 to 1865, when our soldiers were at the front, stayed at home and did his best to cripple their efforts to save the Nation.

That copperhead denounced the "emperor at the other end of the Avenue." Who was that "emperor?" He was the man to whose memory the civilized world has just paid homage, the apostle of liberty, Abraham Lincoln. [Applause.] Not long after that utterance a "copperhead" in my own State, in an editorial called upon somebody to kill Abraham Lincoln. I simply cite this, Mr. Chairman, to show that sometimes, in the heat of partisan discussion, men may speak of another whom, for some reason, they dislike, in a manner which subsequently they will regret. I prophesy that some day the gentleman from Colorado [Mr. COOK] will regret that, in the presence of the American people—yes, in the presence of the whole world—he thus characterized the President, to whom we owe the stopping of the awful war between Russia and Japan, to whom we owe the Panama Canal, to whom we owe the great remedial legislation of the last six years, the rate law, the pure-food law, the meat-inspection law, and the inauguration of the noble movement, destined to be world-wide in extent, for the conservation of the natural resources of the earth.

Whether or not he live to regret it, the man whom he has denounced will live with fame untarnished, in the galaxy of America's immortals.

Mr. Chairman, what is the issue here? Gentlemen have said with a great deal of earnestness, and they stated the truth, that there have been liberal appropriations for the work of men in the Interior Department to suppress crime; in the Treasury Department, in some other department, to suppress crime. That is very true, but the only question here involved is, Shall the law prevent the transfer of a skilled operative from one department to another—shall it prevent the transfer of a man who as a result of long service has demonstrated his skill? This paragraph if enacted into law will prevent such transfer. On this question let me call attention to an authority, well informed, respected by the people, and conservative, Hon. George B. Cortelyou, Secretary of the Treasury. Here is what he said in a letter to Senator Allison last spring after the House of Representatives had passed this bill and sent it to the Senate——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET of New York. I yield one minute to the gentleman from Georgia [Mr. EDWARDS] after first stating that I now hold in my hand the decision of the Supreme Court in the case to which the gentleman from Colorado [Mr. COOK] referred, and that it says distinctly, "reversed and remanded for further proceedings in conformity to this opinion."

Mr. EDWARDS of Georgia. Mr. Chairman, I am in favor of the amendment as offered by the gentleman from New York, to strike out this paragraph, because I believe that it will materially and directly hamper and hinder the use of the secret-service men in the detection of crime if this limitation is left in the bill. I believe the limitation should be stricken out in order that the secret-service men may be used by any branch of the Government so that they may be free to investigate crime, corruption, and graft wherever it may exist, from the lowest to the highest, from constable to and including the President himself.

There is no doubt but that the secret-service men have rendered good service to the Government, and there is no doubt but that they are necessary and should be provided for in a proper manner, and they should be free from the restrictions placed by this paragraph limiting their investigations to the work of any particular branch or service of the Government, which, if permitted to remain in the bill can not have, in my opinion, but one effect, and that is seriously to hinder the Government in the detection and prosecution of criminals in other branches and services of the Government.

Honest men ought not to dread an investigation; they ought rather to invite it; and dishonest men, no matter where they are found, ought to be investigated, exposed, and prosecuted for violations of the law, no matter what their standing in a social way, no matter what their positions in a political way. Crime should be run down and punished whenever and wherever it exists, and the Government should be free with all its agencies to accomplish this end. I hope, therefore, that the amendment to strike out the limitation will prevail.

Mr. BENNET of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BENNET of New York. Has the gentleman from Minnesota or myself the right to close? I made the motion.

The CHAIRMAN. The Chair thinks the gentleman from New York has the right to close.

Mr. BENNET of New York. Then I will ask the gentleman from Minnesota to use up his time, with the statement that there is to be but one more speech on this side.

Mr. TAWNEY. Mr. Chairman, I——

Mr. HEPBURN. Mr. Chairman, before the gentleman begins, will he allow me to make an inquiry?

Mr. TAWNEY. Certainly.

Mr. HEPBURN. If this paragraph, beginning on line 25, page 63, should remain in the bill, will it be possible to use any part of the appropriation under this bill for the payment of secret-service men?

Mr. TAWNEY. What secret-service men does the gentleman from Iowa refer to now?

Mr. HEPBURN. I mean the men in the Secret Service Division in the Treasury Department.

Mr. TAWNEY. Do you mean the men appropriated for by the preceding item for the investigation and detection of counterfeiting?

Mr. HEPBURN. Well, I mean those men who may be detailed or transferred from the Secret Service Division, or those men who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division.

Mr. TAWNEY. I will say to the gentleman from Iowa this paragraph is identical, word for word, with the current law with respect to the use or employment of secret-service men in the Treasury Department.

Mr. HEPBURN. Now, was it the intention or not to prohibit the use of any money appropriated in this bill to the payment of compensation or expenses of any person who may at any time during the fiscal year 1910 have been employed by or under said secret-service division?

Mr. TAWNEY. That was the intention.

Mr. HEPBURN. It was the intention to do that?

Mr. TAWNEY. That has been the practice.

Mr. HEPBURN. To prevent the payment of these men.

Mr. TAWNEY. I did not understand the gentleman's question, if my colleague on the committee [Mr. FITZGERALD] is correct.

Mr. FITZGERALD. If the gentleman will permit me, the intention was to prevent the payment of any men in the Secret Service Division of the Treasury Department who are used in some other department of the Government. That is all.

Mr. HEPBURN. There are two classes of persons affected, as I understand it, under this paragraph.

Mr. TAWNEY. In a word, Mr. Chairman, in answer to the gentleman from Iowa, the purpose of this limitation was to prevent the practice of detailing men in the Secret Service Division. I will say further to the gentleman from Iowa that the department has construed the law as the committee intended when the provision was inserted in the bill.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TAWNEY. I decline to yield for a moment. Mr. Chairman, I do not intend to occupy a great deal of time in discussing generally the use of the Secret Service in the various departments of our Government. That branch of the question has been fully covered by the gentleman from Iowa [Mr. SMITH]. This provision has provoked a great deal of discussion here and elsewhere. There has been more or less excitement with regard to this provision; there have been a great many misstatements made here and elsewhere with regard to the effect of this provision. It has been said that this provision has restricted the activities of the various departments of the Government in the investigation of fraud and in the detection of crime. When the Committee on Appropriations commenced the investigation of the estimates for sundry civil expenditures those estimates covered every branch of the public service except the Post-Office Department. We took occasion to inquire of the heads of departments who appeared before the committee as to the effect of this provision with regard to their activities with respect to the investigation of fraud and in the detection of crime.

And where the head of a department did not appear before the committee we interrogated those who were sent to represent the department in respect to their estimates for this service. And I will say here and now that you can search the testimony published in the hearings before the Committee on Appropriations and you will not find a single officer of the Government that appeared before that committee, except the Chief of the Secret Service, who complained in regard of this limitation, many of them commending this provision in the interest of better administration and great economy in the performance of the public service. This provision, therefore, is again recommended by the Committee on Appropriations to the House of Representatives with the implied or expressed approval of the head of every department that appeared before the Committee on Appropriations in the consideration of the estimates for these departments.

The heads of all the departments did not appear before us, but their representatives that were sent there for the purpose of representing the departments and giving testimony regarding their estimates were all interrogated, and without a single exception, outside of the Chief of the Secret Service, not one of them complained about this provision having hampered them in the least in regard to the enforcement of the laws and the prevention of depredations upon the public domain, or the detection of crime in the administration of the law over which these departments have exclusive jurisdiction.

Mr. PARSONS. Mr. Chairman, will the gentleman yield for a question?

Mr. TAWNEY. I will yield for a question.

Mr. PARSONS. Were they asked whether they approved of the limitation?

Mr. TAWNEY. I do not know that they were asked the specific question in every case, but they were all asked if this provision in any way whatever hampered them in the administration of the laws, detection of fraud, and the detection of crime in their departments, and the answer in every case was in the negative. And the Attorney-General, the chief prosecuting officer of the Nation, the man who stands at the head of the department charged with the responsibility of enforcing the laws of the United States, of bringing criminals to justice and punishment, told the committee in substance that under this provision, or that under the existing conditions, he was administering this branch of the service more satisfactorily than theretofore. And why? He has established a secret service in his department, known as "special agents." Now, the Attorney-General explained why his present organization was more effective and satisfactory than the organization detailed from the Treasury Department to the Department of Justice, and the reason was this:

Under the practice that obtained before this limitation was enacted to whom did the secret-service men in the Treasury Department report? To the Attorney-General? No. They were being paid out of appropriations made by Congress for the Department of Justice, but the amount of their compensation was fixed by the Secretary of the Treasury at the instance of the Chief of the Secret Service, and they reported to the Chief of the Secret Service and not to the head of the Department of Justice. The Attorney-General, as you will see from his testimony taken before the Committee on Appropriations, testified that he never knew what these men were doing that were detailed from the Secret Service of the Treasury Department to his department.

Mr. BENNET of New York. Now will the gentleman yield for a question?

Mr. TAWNEY. One moment. He said that they never reported to him, that they reported to Mr. Wilkie, and occasionally reported to the local district attorney under whose immediate supervision they were.

Now I yield to the gentleman.

Mr. BENNET of New York. Now, I will ask the gentleman, first, if the Attorney-General did not say not occasionally, but that the secret-service men reported to the Assistant Attorneys-General under whom they were, and if that does not appear in this hearing?

Mr. TAWNEY. He did; and he also said they made daily reports to the heads of the Secret Service, a fact which the Chief of the Secret Service was not willing to admit when before either the select committee or the Committee on Appropriations.

Mr. BENNET of New York. Now, I will ask the gentleman a second question, if Mr. Bonaparte did not say this, referring to his own force—

> I do not think its members are generally as experienced as the members of the secret-service force. I think they are fairly efficient men, and, on the whole, the work is done as well as I think it could reasonably be expected, under the circumstances. The principal weak point about it is the necessity of occasionally employing men for short periods, and as to those we have to sometimes take chances.

Mr. TAWNEY. That was the testimony of the Attorney-General; but I want to impress this fact upon the membership of this committee, that there was not a single criticism uttered by the head of any department or by any man the representative of any department who appeared before the Committee on Appropriations in these hearings respecting this limitation, except the Chief of the Secret Service himself. I said those who appeared before the committee. Mr. Cortelyou wrote a letter in regard to it, but to offset that letter I have the——

Mr. PARSONS. Will the gentleman yield?

Mr. TAWNEY. I decline to yield. I want to call attention to this important fact, that here is a deficiency estimate, under the head of "Detecting counterfeiting and other crimes," amounting to $20,000, and accompanying that estimate the Secretary of the Treasury submits, without criticism, but for continuation during the remainder of this fiscal year, as to this $20,000, or whatever amount Congress may appropriate, the very limitation that is now under consideration.

Mr. PARSONS. Will the gentleman yield now to a question?

Mr. TAWNEY. Yes. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. PARSONS. Will the gentleman point out where in that letter there is anything which shows that he requests that limitation? Is it not simply inserted as a part of the present law, and does not his recommendation simply mean that he forwards an estimate of appropriations to complete the service for the fiscal year?

Mr. TAWNEY. Mr. Chairman, I will leave the Members of the House to draw their conclusion as to what the Secretary of the Treasury means when he submits an estimate for an appropriation and in connection with that estimate submits the limitation now existing in law, which would be a limitation on the appropriation, on the very money the Secretary of the Treasury is asking for.

Mr. PARSONS. Is it not to complete the service? And would he not also naturally submit the limitation?

Mr. TAWNEY. Not at all. If the appropriation made for the current law is insufficient, and the limitation on the appropriation is objectionable, and he wants an additional appropriation for the service to the end of the fiscal year and does not approve of that limitation, why does he ask that with the limitation to apply to the additional appropriation?

Mr. PARSONS. He does not ask it.

Mr. TAWNEY. He submits it together with his estimate, On the contrary, the uniform rule is that when a department wants to strike out or does not approve of a recommendation, they omit that part of the law which they do not approve in submitting their estimates.

Now, Mr. Chairman, in conclusion, let me call attention to the fact that all of this agitation, all of this discussion, all of this excitement which has been created and carried on here for

the past two months in respect to this limitation and its effect upon the activities of the departments in respect to the investigation of fraud and the detection of crime, in my judgment, does not have its origin in this limitation, except only in so far as the activities of the Chief of the Secret Service of the Treasury Department has been affected by that limitation. He is the man who started this campaign; he is the man who has carried on this campaign against the Congress of the United States for restricting his activities. To the several men, the nine men, who were transferred from the Treasury Department to the Department of Justice last June Mr. Wilkie wrote each one of them a letter. One of these letters I hold in my hand, written on the official stationery of the Secret Service Bureau and signed by John E. Wilkie. In order to show his contempt for the Congress of the United States because of its having assumed to interfere with his activities in building up a large and powerful Secret Service Bureau in all the departments of the Government, I will read this letter:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
SECRET SERVICE DIVISION,
Washington, June 27, 1908.

SIR: In order to meet certain demands of the Department of Justice for the investigation of crimes, and to conform strictly with the provisions of the sundry civil act for the fiscal year 1909, the Attorney-General will appoint as special agents in the Department of Justice a number of agents recommended by this division. For the purpose of completing the record of the Treasury Department in all cases in which the Attorney-General contemplates an appointment, you will please sign the inclosed resignation and return it promptly to this office; and you will provide yourself with one of the blank oaths relating to Department of Justice appointments, and upon the 1st day of July execute that oath and forward it to the appointment clerk, Department of Justice, Washington, D. C.

Prior to this time these men employed in the Department of Justice who were detailed from the Secret Service Division never took the oath of office in the Department of Justice. They were still on the roll and served under the oath taken as members of the Secret Service Division of the Treasury Department. Therefore there is no doubt of the violation of the law, the detail of these men, or about the fact that they were detailed and not loaned.

On the last day of the present fiscal year you will surrender to your immediate superior your official badge, commission book, service revolver, handcuffs, press-copy book, and all other official property belonging to the Secret Service Division, taking his receipt for property so delivered.

The opinion is expressed that the technical interference with the practice which has prevailed in the past with reference to supplying experienced agents for special investigations will disappear at the close of the next fiscal year; in other words, that at the coming session of Congress there will be such legislation as will satisfactorily readjust matters.

This letter is dated June 27, 1908, and marks the beginning of the campaign for the readjustment by legislation at this session of Congress of the matters referred to by Mr. Wilkie in this paragraph of his letter. This limitation was regarded by him then as it is regarded by him now—"a technical interference" with his activities.

Your forthcoming appointment in the Department of Justice, therefore, is considered temporary in its nature, and the agents so appointed will be eligible for reappointment in this division at any time during the fiscal year 1909; and such reappointment, whether during the fiscal year or at its close, will depend wholly upon the character of the work performed by the agent of the department in which he is thus appointed. It is assumed, as a matter of course, that persons to whom these appointments are given will render to the Department of Justice the same loyal and efficient service which has characterized the performance of their duties in the Treasury Department; and only a clean and satisfactory record in the Department of Justice will insure a return to this division when the opportunity for reappointment occurs.

You have doubtless observed that the appropriation for suppressing counterfeiting was reduced at the last session of Congress, and this in itself would necessitate the curtailment of the field force in the division during the coming fiscal year. The contemplated appointment in the Department of Justice offers a fortunate solution of what might otherwise be a hardship to agents whose services could not be retained in this division beyond the close of the present fiscal year.

A formal letter of instructions and information as to compensation and headquarters, I am advised, will be supplied to you in ample time by the Department of Justice.

In severing the official relations which have existed between us, I desire that you should understand that your work for this division has been appreciated and that it is my hope that the opportunity for reappointment may not be long delayed. I hope, too, that you will always feel at liberty to consult me in any official matters in which you think I may be of assistance to you, and you have my assurance that your work in the new field will be watched with great personal interest.

Respectfully, yours,

JOHN E. WILKIE.

Special operative.

Please execute your oath as "special agent," but do not forward it until after the receipt of your formal letter of appointment.

Mr. Chairman, this letter is proof that last June, if not before, the Chief of the Secret Service conceived the idea that he could secure a modification or a repeal of this limitation, the law which has restricted his activities in the matter of building up a large central secret-service bureau under no limitations, under no restrictions, and responsible to nobody but himself. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized to close the debate in four minutes.

Mr. BENNET of New York. I yield all my time to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Chairman, within the four minutes' time allotted to me I can not review as I would like to the argument that has been made against the motion of the gentleman from New York. I desire, however, briefly to call the attention of Members to what I believe to be the fact, and that is that practically all of the argument that has been made against the motion is absolutely immaterial and made upon immaterial propositions.

The motion of the gentleman from New York is to strike out the paragraph commencing at the bottom of page 63. That paragraph simply limits the use of the detective service in the Treasury Department and prevents its transfer, so that the only question before us is whether it shall be lawful to transfer from one department to another the secret-service men in the employ of the Secret Service Bureau in the Treasury Department.

I submit, Mr. Chairman, that it is no argument to retain this in the bill to make an attack upon any of the departments of the Government, as has been made, to show that the secret-service men are incompetent; because, as a matter of fact, they will be transferred only upon application, and if they are as vile and as worthless as some gentlemen would have us believe no one would apply for their services in any other department.

The chairman of the committee [Mr. TAWNEY] has made an argument from which he would have us imply that if it were not for this limitation the Secret Service Bureau, for instance, in the Department of Justice, could not have been built up. Why, I admit, and everybody admits, I presume——

Mr. TAWNEY. If the gentleman will pardon me——

Mr. NORRIS. Now, I hope the gentleman will not take my time.

Mr. TAWNEY. I did not intend to imply anything of that kind, and I do not think I did, because the authority for the creation of the organization in the Department of Justice existed before, as it does now.

Mr. NORRIS. That is what I was about to say, that the authority to create what was created in the Department of Justice existed before this limitation was ever put on the statute books, and the Attorney-General had the authority then, as he has had since, to organize——

Mr. TAWNEY. But he did not know it.

Mr. NORRIS. I know he did not. That does not have anything to do with this limitation. It strikes me, Mr. Chairman, that as a business proposition we ought to permit secret-service men, or the special agents, if you want to call them that, in one department to be transferred upon request of another department. I believe each one ought to have, as they do have and as they will have if this paragraph is stricken out, the right to organize and maintain a secret-service bureau of their own. That is all right. But it may be there will come times when one department may not be using all of its secret-service men, when there may be a particular demand in another department for additional secret-service men; and a law that would permit them to be transferred from one department to another would not only be in the interest of justice and economy, but in the interest of efficient service. I know that it is true that men who are particularly trained in land laws can do better service as special agents there than they can in some other department. No one has ever denied that. The striking out of this provision in the bill will not prevent that from being done as it is now and as it always has been done. It will simply give to the different departments the right to ask from the Secret Service Division the transfer of men if they desire to have those men.

The CHAIRMAN. The time of the gentleman has expired. All time is exhausted. The question is on the amendment offered by the gentleman from New York [Mr. BENNET] to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. BENNET of New York) there were 41 ayes and 153 noes.

So the amendment was lost.

Mr. GAINES of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert, at the end of line 5, page 64:

"*Provided further*, That this limitation shall not apply to the enforcement of the law entitled 'An act to protect commerce and trade against unlawful restraint and monopoly, approved July 2, 1890, commonly known as the Sherman antitrust law.'"

The CHAIRMAN. All debate is exhausted, and the question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were 27 ayes and 103 noes.

Mr. GAINES of Tennessee. I demand tellers.

The question of ordering tellers was taken; and but 14 gentleman having arisen, tellers were refused.

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

The Clerk read as follows:

On page 64, line 5, after the word "division," insert:
"*Provided*, That the Secretary of the Treasury may, in his discretion, employ the secret-service force in the investigation and suppression of crimes committed in his department."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. GAINES of Tennessee. Mr. Chairman, let us have the amendment again reported; we did not hear it on this side.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk again read the proposed amendment.

The question was taken; and on a division (demanded by Mr. DRISCOLL) there were 36 ayes and 74 noes.

Mr. DRISCOLL. I demand tellers.

The question of ordering tellers was taken; and but six Members having arisen, tellers were refused.

So the amendment was lost.

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

On page 64, in line 3, after the word "department," strike out the balance of the paragraph.

The Clerk read as follows:

Page 64, line 3, after the word "department," strike out the following: "Or who may at any time during the fiscal year 1910 have been employed by or under said Secret Service Division."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Division of fish culture—Office: Assistant in charge, $2,700; superintendent of car and messenger service, $1,600; 1 clerk of class 3; 2 clerks of class 2; 2 clerks of class 1; 1 clerk, $720; in all, $11,820.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of the bill where we get that fish car? I see that we have a superintendent of the car and messenger service. Is it owned by the Government or the railroad?

Mr. TAWNEY. It is owned by the Government. We have three of them. There is a crew provided for in this bill for each car.

The Clerk read as follows:

St. Johnsbury (Vt.) Station: Superintendent, $1,500; fish culturist, $900; skilled laborer, $720; 2 laborers, at $600 each; in all, $4,320.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. Will the gentleman from Minnesota inform the committee how much it costs to haul that "fish" car around over the country?

Mr. TAWNEY. I do not know how much it costs; the gentleman can get the information by addressing the Commissioner of Fisheries. I have no information outside of the personnel attached to the cars.

Mr. GAINES of Tennessee. I am not speaking about that. I am talking about hauling the cars over the country.

Mr. TAWNEY. I presume it is the same mileage that the railroad company would charge the gentleman or anybody else that employs the railroad company for hauling a private car.

Mr. GAINES of Tennessee. Regularly, all the time?

Mr. TAWNEY. Certainly; the railroad company can not discriminate in favor of the Government.

Mr. GAINES of Tennessee. Do we appropriate for it specifically?

Mr. TAWNEY. It comes out of the general appropriation for the Bureau of Fisheries.

Mr. GAINES of Tennessee. Then, we are appropriating for hauling these cars without knowing how much we pay.

Mr. TAWNEY. We are paying the schedule rate, whatever it is.

Mr. GAINES of Tennessee. I really would like to know, and I further would like to know whether or not, since the Hepburn railroad law was passed, they are charging more for hauling these cars than they did before that law.

Mr. TAWNEY. The gentleman from Tennessee would be consuming his own time and not the time of others if he would go to the telephone and call up the Commissioner of Fisheries.

Mr. GAINES of Tennessee. I will call up the gentleman, but I think the chairman of the Committee on Appropriations who reported this bill ought to know something about it.

Mr. TAWNEY. I would say to the gentleman from Tennessee——

Mr. GAINES of Tennessee. Mr. Chairman, I have called up a good many officers by telephone. I called up the Indianhead powder officer, and found they needed and wanted $250,000 to enlarge the government powder plant to relieve the Government from the powder trust. The committee had not brought in that evidence here, and I could not get it from anybody on the committee or in the House; but I got up early the next morning and telephoned to the "ground floor," and Lieutenant Jackson, in charge, as the "Jacksons" always do, told me the truth about it, and as a result of that we got $250,000 into the bill, and it will be made law. Now, I do not want to telephone to all the "Jacksons" in the country, nor do I intend to do so, because, unfortunately for the country, the "Jacksons" are not running the country now.

Mr. TAWNEY. The gentleman from Tennessee knows that we have a general law——

Mr. GAINES of Tennessee. I know that.

Mr. TAWNEY. We are paying the commercial rate, whatever it is.

Mr. GAINES of Tennessee. Does the gentleman officially know that we are paying the commercial rate?

Mr. TAWNEY. Except on land-grant railroads.

Mr. MANN. The Government is not obliged under the Hepburn Act to pay the current freight rates, and probably does not pay them.

Mr. GAINES of Tennessee. Tell us why that is not the law.

Mr. MANN. Because there is an express exception in the interstate-commerce law of the federal and state governments and even of local municipalities from the provisions of the law as to the rates on freight, and most of the municipalities where they have freight have been getting lower freight rates than the current schedule rates.

Mr. GAINES of Tennessee. Does the gentleman know what we pay for hauling these fish cars?

Mr. MANN. I do not.

Mr. GAINES of Tennessee. I regret that I have to take up the time of the committee to get this information, and yet we are without it.

Mr. MANN. Of course there would be no schedule for hauling cars like these fish cars.

Mr. GAINES of Tennessee. I think they ought to charge less, because we are constantly hauling the fish.

Mr. MANN. Probably they do. Probably there is some special arrangement made.

The Clerk read as follows:

Biological Station, Fairport, Iowa: Director, at the rate of $1,800 per annum; superintendent of fish culture, at the rate of $1,500 per annum; scientific assistant, at the rate of $1,400 per annum; scientific assistant, at the rate of $1,200 per annum; foreman, at the rate of $1,200 per annum; shell expert, at the rate of $1,200 per annum; engineer, at the rate of $1,000 per annum; two firemen, at the rate of $600 per annum each; two laborers, at the rate of $600 per annum each; in all, $7,800 or so much thereof as may be necessary.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves the point of order.

Mr. MANN. Mr. Chairman, I withdraw the point of order and move to strike out the last word.

Mr. COX of Indiana. Mr. Chairman, I renew the point of order.

Mr. MANN. Then that can be settled before I make my motion.

Mr. TAWNEY. I make the point of order that the point of order comes too late. The gentleman from Illinois had made the motion to strike out the last word.

Mr. COX of Indiana. I will state to the Chair that before the gentleman had made his motion to strike out the last word I had renewed the point of order.

The CHAIRMAN. The Chair thinks the point of order is not too late.

Mr. TAWNEY. Is it the paragraph beginning on page 91, line 7?

Mr. COX of Indiana. Yes. I would like to ask the chairman of the committee for some information. Has any law passed Congress authorizing the establishment of this biological station?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. When did it pass?

Mr. TAWNEY. Two years ago.

Mr. MANN. Last year.

Mr. TAWNEY. I thought it was about two years ago—May 27, 1908.

Mr. COX of Indiana. Does the gentleman say that the bill authorizing this station passed Congress?

Mr. MANN. Oh, here is the law.

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Is not this the truth about this biological station now under consideration, that the bill was introduced in Congress, referred to the Committee on the Merchant Marine and Fisheries, passed out of the committee, and finally reached the calendar; and, indeed, did not pass Congress, but it was simply put into the appropriation bill?

Mr. TAWNEY. I do not know what the history of the bill is. The provision in the sundry civil bill authorizing this biological station was inserted in the sundry civil bill as an amendment in the Senate and concurred in by the House.

Mr. COX of Indiana. Then there is no law authorizing the establishment of this biological station except the current appropriation bill, as passed at the last Congress. Is that correct?

Mr. TAWNEY. So far as I know that is a correct statement of the facts. That is sufficient for the rules of the House. That is the law establishing and authorizing the establishment of this station, and under that law and the appropriation heretofore made the station has been located and is now in course of construction and will be completed for service about the first of November, 1909.

Mr. COX of Indiana. Mr. Chairman, as I recall the history of this legislation, it is about as follows: A bill was introduced for the purpose of establishing, first, a fish-cultural station somewhere in the upper Mississippi Valley. That bill was referred to the Committee on the Merchant Marine and Fisheries. Later on it was amended so as to establish a biological station somewhere in the upper Mississippi Valley.

Mr. DAWSON. If the gentleman will permit me to correct a slight inaccuracy, the original bill provided for a biological and fish-cultural station.

Mr. COX of Indiana. Probably that is correct, and a fish-cultural station was eliminated from the bill. That bill passed our committee and was put upon the calendar. I never heard anything more about the bill until last year, when the sundry civil appropriation bill passed, and I realized for the first time that an appropriation had been made for the establishment of that biological station in the upper Mississippi Valley.

Mr. MANN. Will the gentleman permit me in part to help educate him?

Mr. COX of Indiana. I need it, whether I will permit it or not.

Mr. MANN. The distinguished gentleman who introduced the bill was the gentleman from Iowa [Mr. DAWSON].

Mr. COX of Indiana. I am satisfied of that.

Mr. MANN. The bill that was introduced into the House has nothing to do with the legislation; that bill is still on the calendar, if it has not been stricken off by unanimous consent. It never was passed, but the distinguished Senator from Iowa, who has now passed on, was in a position in the Senate where he was able to do a good turn, very likely, for the people, certainly for the fresh-water mussels, and certainly for the gentleman from Iowa, and he put that item in the bill in the Senate and the House agreed to it, although the attention of the House was called to it.

Mr. COX of Indiana. I think that is correct, and I want further to call the attention of the committee and the——

Mr. MANN. It only shows how easy it is once in a while to do a thing——

Mr. COX of Indiana. Indirectly where you can not do it directly; I learned that. I want to call the attention of the committee to this one further fact. The underlying principle for this biological station, I think, is absolutely wrong. I do not think the principle is right. The whole theory upon which this legislation was asked was solely for the purpose of enabling the manufacturers of pearl buttons in the United States to get the Government to go into the industry of determining or devising from a scientific standpoint the best way and manner of perpetuating certain mussels, and I wonder, Mr. Chairman, whether or not the Government of the United States should go into that line of business and investigate for the sole purpose of furnishing the manufacturers of this country free raw material.

I recall looking up the duty there was upon pearl buttons in this country, and while I am unable at this time to state the exact amount of duty there is imposed upon the pearl button under the Dingley law, I will say that it is an enormous duty, so under a law of this kind the Government of the United States is undertaking to develop a theory to furnish free raw material for the manufacturers of this country and at the same time imposing an immense tariff duty upon the manufactured product, and I believe that theory of legislation is radically wrong.

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

Mr. COX of Indiana. Yes.

Mr. DAWSON. The gentleman, as I recall it, is a member of the Committee on Merchant Marine and Fisheries, and I would like to ask the gentleman if he signed a minority report against a bill similar to this which I understand has been reported at this session of Congress?

Mr. COX of Indiana. I understand the minority report is being prepared, but I will say to the gentleman in reply, that on principle I am opposed to all legislation of this kind, because I think it to be radical, erroneous in theory as well as in practice.

Mr. DAWSON. Mr. Chairman, will the gentleman yield for one more question?

Mr. COX of Indiana. Yes.

Mr. DAWSON. Does not the gentleman know that it is an absolute fact that since the tariff was laid that pearl buttons are now sold cheaper to the consumers in the United States than they were before, when we were sending our money to Austria?

Mr. COX of Indiana. I did not know that, but I do not think that enters into this argument for the purpose of maintaining the gentleman's position in the least.

Mr. DAWSON. I will say to the gentleman that is the fact.

Mr. COX of Indiana. I insist, Mr. Chairman, upon the point of order.

Mr. DAWSON. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. DAWSON. Mr. Chairman, it does not seem to me the point of order can possibly lie against this paragraph in the bill. The act approved May 27, 1908, provided for the establishment of a biological station on the upper Mississippi Valley, and appropriated $25,000 for that purpose. Under the authorization of the act the Commissioner of Fisheries has gone forward and established this station at Fairport, Iowa. The paragraph in this bill, against which the gentleman now seeks to raise the point of order, simply provides for the personnel of that station. If the point of order is sustained, Mr. Chairman, we will be in the position of Congress by law establishing this biological station and yet being prevented from appropriating or providing the officials necessary to conduct that station. By law we have provided for the station and appropriated the money for its construction. It seems to me it would be perfectly ridiculous and absurd to think that the point of order would lie against an appropriation simply to provide the employees for that station. If the point of order is good, then we would simply have a station located out there on the Mississippi River, with no one to conduct it. Certainly that provision of law creating the station carries with it the authority to provide the necessary personnel for the management and conduct of that station. It seems to me, Mr. Chairman, there can be no question but that the point of order does not lie against the paragraph. With regard to the merits of the proposition, I shall be glad to have an opportunity to discuss that briefly after the point of order is disposed of.

Mr. TAWNEY. Mr. Chairman, in addition to the fact that this biological station is authorized by law, the station has been established, the work of completing it or preparing it for the uses for which it was established is now going on—a public work in progress, originally authorized by law.

The CHAIRMAN. The law providing for the establishment of this station, as the Chair understands it, reads as follows:

Biological station, Mississippi River Valley: To enable the Secretary of Commerce and Labor to establish a biological station for the propagation of fresh-water mussels in the upper Mississippi Valley, at some suitable point to be selected by the Secretary of Commerce and Labor, including the purchase of site, construction of buildings and ponds, and equipment, $25,000.

Mr. DAWSON. If the Chair will permit, that is almost, practically, the exact language that has been employed in the establishment of every fish hatchery in the United States.

The CHAIRMAN. The section which the Chair has read is the section under which the biological station in question was established.

Mr. TAWNEY. That is the law under which the station was established and will be completed, and the paragraph authorized the employment of the necessary employees.

Mr. DAWSON. That law is identical with the laws that established all these other stations the personnel of which is provided for in this bill.

The CHAIRMAN. The Chair thinks the section is subject to the point of order and is clearly obnoxious to the rule. It has been held, for instance, that a specific appropriation for designated officials of an exposition at stated salaries, there being no prior legislation creating those places and fixing those salaries, is subject to the point of order, although a general appropriation for the exposition was authorized by law. There is no question, in the opinion of the Chair, but that a lump-sum appropriation might be made to continue this particular establishment, but that does not authorize creating the posts and fixing various salaries. The Chair thinks it is clearly obnoxious to the rule and sustains the point of order.

Mr. TAWNEY. Before the Chair rules on the point of order, do I understand the ruling would go to the extent of holding that the Congress of the United States, after having authorized the establishment of a biological station and erection of buildings, then would have to have a new authorization in order to employ people necessary to operate that station?

The CHAIRMAN. Not necessarily so.

Mr. TAWNEY. It seems to me that would be the logic of the Chair's decision.

The CHAIRMAN. The statement of the gentleman from Minnesota [Mr. TAWNEY] is entirely too sweeping. It is simply legislation coming from the Appropriations Committee for the purpose of creating certain positions, which is not in order on this bill under the rule.

Mr. TAWNEY. Do I understand that we can appropriate in a lump sum?

The CHAIRMAN. The Chair thinks so, unquestionably.

Mr. TAWNEY. And give the Commissioner of Fisheries the discretion of paying salaries, instead of our fixing them ourselves?

The CHAIRMAN. The Chair thinks that under the precedents you can appropriate a lump sum for the purpose of carrying on and continuing that work as a work in progress.

Mr. MANN. Will the Chair hear me a moment?

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MANN. The decision of the Chair is quite important, because for years it has been the established custom of the Committee on Merchant Marine and Fisheries to report bills for fish-hatchery stations in a particular form. It makes no difference how a Member may introduce a bill for a fish hatchery; it comes out of the committee, if it comes out at all, in a specified form adopted by the committee, and hence it is important to have the ruling determine whether that form is of any value or not. There are on the calendar now some 30 or 40 bills reported from the Committee on Merchant Marine and Fisheries for the establishment of fish-hatchery stations, every one of which would leave in the end an item for the maintenance of the station subject to the point of order, so that if those bills should be passed it would either be impossible to man them or else the Committee on Appropriations must reform its method of appropriating. While I do not undertake to say that the Chair is in error at this time, I think it is very important for us to be sure that the Chair is right in making the ruling, because it is going to overturn the established custom of the House in regard to the matter if the Chair rules that it is subject to a point of order.

Now, the question is whether, when we authorize the establishment and equipment of a fish hatchery, we thereby confer upon the Committee on Appropriations authority in an appropriation bill to recommend or to present in the bill a proposition to pay the operatives at that fish hatchery by station, or whether we require them to appropriate a lump sum without any control over the question of salary, or leave it without any equipment to operate. It certainly is not the intention of Congress to pass a law providing that a fish hatchery shall be constructed and equipped and leave it without being operated. It must be assumed, therefore, that there is some way in the law and under the rules of the House to provide for the persons who shall operate the fish hatchery. Now, the Chair states that that shall be done by a lump-sum appropriation; and that is the reason why I am addressing the Chair now, because under the ruling of the Chair the House will have no control over the amount which the Commissioner of Fisheries may pay for superintendents and fishery experts or for other persons connected with the fish-hatchery stations.

Of course if that be the rule we will have, that will have to be the form adopted by the Committee on Appropriations, which in the end will lead to untold extravagance. We now appropriate more money under the present system for the superintendents of fish-hatchery stations than ought to be, because the commissioner insists on paying them such high prices; and if we can only appropriate a lump sum, without any control over the salaries, it will cost a great deal of money.

Now, it seems to me that where Congress authorizes the establishment of a fish hatchery it thereby confers upon itself the right, in an appropriation bill, the first time the matter comes up, to provide for the persons who shall do the work at the fish hatchery. Doubtless thereafter a change of the salaries would be subject to a point of order, but unless such a construction is had it is a paralyzer to economy.

The CHAIRMAN. The Chair thinks that there is a distinction between a case of this class and where a department is established by act of Congress, because in the latter case the positions are named by legislation. The officers are created and the salaries are fixed by legislation.

Mr. MANN. I had the honor to report in a bill to this House creating the only new department which has been created in the memory of most gentlemen in the House. That does not provide, and intentionally did not provide, for the specific places or the salary, the theory being that when Congress provided for a department of the Government, providing no force, it believed that it ought to remain with the House to determine what places there should be and what salaries there should be. The only instance that I recall that violates that principle is the Department of Labor, where a specific number of officials were created, and for years, because of that fact, and because they had no work for that specified number of individuals to perform, Congress was asked constantly to add new work of investigation to that bureau; and for that very reason when we created the Department of Commerce and Labor we did not provide for officials except the chiefs of the bureaus, the Assistant Secretary, and Secretary, but left them to be provided for by Congresses in the future. Of course there was this distinction, which I freely state, there was authority given to provide clerks.

The CHAIRMAN. If the gentleman introduced a bill creating a department in the manner in which he stated, it is entirely different from the laws creating the departments previously created. The Chair has here the Revised Statutes creating the different departments, and the entire theory is that the offices shall be fixed by legislation and the salaries fixed by legislation. The Chair has it here.

Mr. MANN. They were not created in the statutes. The theory was that Congress should fix the places and the salaries.

The CHAIRMAN. The offices are created in the statutes in the other departments. The Chair will state, with the permission of the gentleman from Illinois, that otherwise the creation of offices in the future in all the departments, in all lines of public service, would be left absolutely in the hands of the Committee on Appropriations, which could create any office they saw fit if Congress did not watch the appropriations.

Mr. TAWNEY. As I understand the——

Mr. MANN. I venture to say to the Chair, very frankly, that I think in all the laws creating the departments of the Government Congress does not create the places by name.

The CHAIRMAN. And the gentleman from Illinois well knows that a great many of the places heretofore brought in on appropriation bills have been subject to points of order, and has seen them go out from time to time on the very theory that they had not been provided for by prior legislation. The gentleman understands that.

Mr. MANN. Many of them have been. I remember once when the bill was very badly injured on that very point.

The CHAIRMAN. Now, here is a decision——

Mr. TAWNEY. If the Chair will pardon me for a moment, if I understand the idea of the Chair, it is that there would be a limitation upon the Appropriations Committee as to the number of places that they might authorize and appropriate for; but, notwithstanding that fact, if they saw fit to report a lump-sum appropriation for salaries and everything, in any amount, it would not be subject to the point of order.

The CHAIRMAN. The Chair has not said that they might appropriate for salaries or any other specific purpose; but they might appropriate a lump sum, if the majority of the House saw fit to do so, for the purpose of proceeding with and continuing the object of the original establishment of the enterprise, whatever its character was.

Mr. TAWNEY. That would mean the same thing.

The CHAIRMAN. According to law——

Mr. TAWNEY. That would mean the same thing. The paragraph in question is a restriction upon the amount appropriated for the continuation of that service.

The CHAIRMAN. That is probably true, but it is a restriction which the gentleman's committee has seen fit to make.

Mr. TAWNEY. No; it is for the House to make. The committee has recommended it. It is for the House and not the committee to make.

The CHAIRMAN. But the Chair thinks it can not be done on an appropriation bill. Here is a decision on all fours pre-

cisely, and the Chair will read it. The gentleman from New York [Mr. PAYNE] rendered this decision:

The Chair thinks the act of 1897 is a sufficient foundation for an appropriation, but not for legislation. The Chair is unable to see wherein it authorizes the offices of Commissioner-General, or Assistant Commissioner, from the reading of the law by the gentleman from Illinois—

Who has just read to the Chair.

The rule in regard to continuation of public works simply authorizes an appropriation in continuance of public works, and does not authorize the creation of offices.

There is a case precisely in point. The Chair thinks that under this precedent the paragraph is subject to the point of order, and therefore the Chair sustains the point of order.

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

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 6, page 91, insert:
"Biological station, Fairport, Iowa: For the necessary personal services for conducting and continuing the biological station at Fairport, Iowa, authorized and established under a provision in the sundry civil appropriation act for the fiscal year 1909, $7,800, or so much thereof as may be necessary.

Mr. COX of Indiana. I make a point of order on that amendment, and the Chair can rule on it.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Minnesota.

Mr. MANN. Mr. Chairman, I want to be heard on that amendment. I want a little information in reference to this celebrated biological station. Then I would like to know how they get their figures. I notice that the bill provides for a total of $7,800 in this place. In the other stations it runs along $3,000, $8,000, and various sums. The total of this item, as originally in the bill, was $7,800, but I wish those gentlemen in the room who are familiar with the figures to follow me for a moment. Here is a director at $1,800 a year; a superintendent of fish culture at $1,500; a scientific assistant at $1,400; a scientific assistant at $1,200; a foreman at $1,200; a shell expert at $1,200—we are already over $7,800—two foremen——

Mr. TAWNEY. And we are appropriating from the 1st of September for the remainder of the fiscal year.

Mr. MANN. Is that what it is?

Mr. TAWNEY. That is what it is; "or so much thereof as may be necessary." The appropriation is not for the full fiscal year, but we are fixing the annual salaries for the year.

Mr. MANN. Of course that was an afterthought, but it comes in very handy.

Mr. TAWNEY. It was not an afterthought. That is the language.

Mr. MANN. Then I want to know why it is necessary to have a director at $1,800 and a superintendent of fish culture at $1,500. At every other place there is a superintendent at $1,500. At this place there is a director, a superintendent, a scientific assistant, another scientific assistant, and a lot of other officers, making a total of $11,700, against the ordinary appropriations of three, four, or five thousand dollars.

Mr. TAWNEY. This biological station differs from the ordinary station; this is for the cultivation of fresh-water mussels. The Commissioner of Fisheries pointed out to the committee in his testimony the necessity of having a higher-priced man, a more competent man, in charge of this station than was required at the ordinary fish-culture station.

Mr. MANN. What point is there in having a director and a superintendent of the same station? When you have a superintendent, is he in control of the director, or is the director in control of the superintendent? Since when, in establishing little stations, did we begin to provide both directors and superintendents?

Mr. DAWSON. Mr. Chairman, the superintendent referred to is the superintendent of fish culture. In the work of this station, which is of a scientific nature, the details of which, I am sure, would interest the House, the culture of fish necessarily enters into the propagation of the mussels, and therefore it is necessary not only to have a director but also a superintendent of fish culture. This is not an ordinary fish hatchery, but is a biological station, created to conduct scientific study and research and for the propagation of fresh-water mussels.

Now, Mr. Chairman, I would like to be heard in favor of the amendment for a few minutes, because this has more merit than the ordinary proposition brought into the House.

Mr. Chairman, I want to say that the establishment of this station is one of the first important steps in the conservation of the natural resources of the United States. These fresh-water mussels, which for years were considered worthless, became of value when it was found that they could be manufactured into buttons. An important industry grew up, a poor man's industry, if you please, 3,000 men being engaged alone in gathering these shells from the fresh waters of the country.

The remarkable growth of this industry brought the country face to face with the fact that there was danger of exhausting the supply of such material. We have a fish commission here whose business it is to study into the marine life of the waters of the United States, and it seemed to me that it was a perfectly proper subject for the United States Fish Commission to investigate—the question of increasing and perpetuating the supply of these mussels, made valuable by the upgrowth of this industry.

Two years ago I submitted the matter to the Fish Commission, pointing out that unless something was done the supply of these mussels was threatened with exhaustion. The commission, under its general appropriation for the inquiry of the commercial fisheries, set on foot a scientific inquiry in regard to these fresh-water mussels. Strange as it may seem, there was an almost total lack of knowledge among the scientists of the country regarding these mussels—how they propagated, spawning seasons, etc. That commission, headed by Prof. Paul Bartsch, of Burlington, Iowa, began their inquiries along the rivers of the United States, in the Mississippi Valley, down on the White River in Arkansas, up the Wabash in Indiana, and other important rivers of the country to ascertain something about these fresh-water mussels which had become an important item in the commerce of the country.

I ought to say that these scientists who were engaged in that matter, two of whom are from the University of Missouri, Professor Curtis and Professor Lefevre, their services were given to the Government without charge. They simply asked for their expenses. The result of that investigation brought out the practical knowledge that determines for the first time how these mussels propagate. I am sure this House will be interested in this scientific fact.

They found that the fresh-water mussels, differing from any sea-water mussel or shellfish, propagated in this fashion: After the eggs have been laid in the water they drop to the bottom of the stream. In order for the embryo or the egg to develop into a clam it is necessary for it to attach itself to the fins or gills of a fish as a parasite. They live on the fish thirty or sixty days, during which time it develops the necessary organism for its future growth. At the end of that time they drop to the bottom of the stream and are then able to sustain themselves. Without coming in contact with the live fish the egg of the fresh-water mussel perishes. Having ascertained these facts, this commission assembled in the tanks at La Crosse 25,000 fishes and introduced into the tank ripe mussels. That demonstrated the further fact that an ordinary fish would carry 600 or 800 parasites without any injury to the fish. These 25,000 fishes that had been so inoculated were liberated after a period of a few weeks and placed in the west channel of the Mississippi River opposite La Crosse, Wis. That was a year or more ago.

This year this same commission of scientists, these gentlemen from the University of Missouri, found on investigation that literally millions of fresh-water mussels were thriving on the bottom of the stream where they had released the fish that had been inoculated with them the year before.

I am sure the report of Professors Curtis and Lefevre, made a year ago and setting forth the life history of the fresh-water mussel, will be found most interesting, and I will insert it in the RECORD. It is as follows:

The fresh-water clams or mussels of the United States and similar forms from other parts of the world exhibit a mode of development which differs from what occurs in any of their marine relatives. This difference lies in the fact that the embryo lives for a time as a parasite upon the gills or fins of fresh-water fishes, and can only develop in this parasitic condition, the life history being, briefly, as follows: The eggs of the female clam are fertilized by the sperm of the male, which enters the body of the female in the water current that brings the clam its food. These eggs begin development within the female, where they are contained in sacs formed by the animal's gill. Development proceeds as far as a stage known as the glochidium (pl. ia.), which has the two halves of a minature shell and looks much like a gaping clam shell, but which has none of the internal organs necessary for the life which the adult clam leads in the mud of the bottom.

The glochidia are shed out of the parent as they become ripe, and they fall to the bottom, where, having no power of locomotion, they remain motionless unless washed about by the currents. Experiments prove that they will die before many days when left in this condition. If, however, the glochidium chances to come in contact with the fins or gills of a fish which brushes against the silt of the bottom, it fastens itself, and within twenty-four hours has caused the skin of the fish to grow over it, so that the young mussel is completely embedded within the living tissue of the fish. In this condition it rests securely, receiving its food from the blood of its host, and leading a truly parasitic existence for some months. During this period the glochidium changes until all the organs of the adult are developed, though it has not increased in size. At the end of its parasitic existence, when the

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organs are fully formed, the young clam affects the tissue of the fish in such a way that the skin opens and the young clam drops to the bottom, where it begins the life which it will lead throughout the remainder of its existence.

The attachment to a fish is entirely a matter of chance, but where mussels and fish are abundant it must often occur under natural conditions, as is seen from the examination of fish taken in nature. Still, the fishes thus infected will almost never be found carrying as many of the parasites as they can without serious injury. If the fish are taken and placed in a tub or bucket of water containing large numbers of glochidia, which have been obtained by removing them from the ripe mussel, it is possible to cause the attachment of hundreds of the parasites for every one that would be found there by the chance of nature. A fish under 6 inches in length may thus be made to carry several hundred glochidia, and thus a thousand fish artificially infected may do the work of several hundred thousand in a state of nature.

Experiments with small numbers of fish under observation in the laboratory indicate that their infection on a large scale is entirely possible, and the experiment now in progress at La Crosse, in which over 25,000 young fish have thus been infected, gives every indication that such work may be begun even with the scanty knowledge we now possess.

While there is ample reason to believe in the eventual success of such work in keeping up the supply of mussels, and while the steady decline of the beds demands some such remedial measures, if the supply is to be maintained for more than a very few years, we are not yet in a position to proceed safely with this work, because we are still ignorant of many fundamental scientific facts. For example, we do not know the exact breeding seasons of any one of the button mussels. We do not know what fish are best adapted to carrying the glochidia of each species nor what are the best methods for work on a large scale. These facts can be ascertained if proper facilities for work are provided, and they must be ascertained before the process of artificial propagation can be established on a sound basis. But since many of them can only be learned by the actual experience of attempting artificial propagation on a large scale, the investigation and propagation must go hand in hand. To carry on such work properly, there is necessary a station properly equipped with boats and a steamer for the wholesale collecting and transporting of fish and mussels alive to the tanks and ponds of the station where the infection could be performed.

Nature is prodigal with the supply of glochidia, but so great is the chance against any ever fastening themselves upon the fish and against any ever dropping from the fish to a place on the bottom where they can succeed in the struggle for life that, with the added destruction of hundreds of millions of shells each year for commercial purposes, we may easily exterminate before many years the forms upon which the button industry depends. If we can discover the places in the life history where the waste is greatest and aid the species at those critical stages, there is every reason to hope that the supply of mussels can be made to equal if not surpass the numbers existing when the first button was cut.

In conclusion, we may say that the parasitism on the fish makes the propagation of mussels go hand in hand with the propagation of our fresh-water fishes, since the fish is in no wise injured by the presence of the parasites. When we liberate a hundred fish, each loaded with its hundreds of glochidia, we not only sow the clams broadcast on the bottom, but we are also distributing fish which, when their work for the clams is done, are just as useful as though they had never known such an experience. Wholesale infection gives every promise of success, but the means must be provided at once for work on a large scale, and unless something radical is soon accomplished the making of buttons from our fresh-water shells is doomed.

The next logical step was the establishment of a station where this work could be continued, where additional information could be obtained, and so Congress at the last session provided for this station at Fairport. I want to say to the House that ultimately, in my judgment, at all of the fish hatcheries in the United States, where fishes are being hatched and distributed free in the rivers of the country, those fishes will be inoculated with the fresh-water mussels, and in that way will literally sow these fresh-water mussels in all of the rivers of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman may continue for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAWSON. Mr. Chairman, some allusion has been made upon this floor to the character of this industry for the manufacture of pearl buttons. It is an infant industry. It is a poor man's industry. It is centered very largely in the upper Mississippi Valley. A great portion of it, I am proud to say, is in the congressional district which I have the honor to represent on this floor. At the outset there were scattered up and down that river little shops, some of them in wood sheds, some of them in barns, where men erected a few lathes for the cutting of the blanks from which these pearl buttons are made. Then the industry grew, fostered by a protective duty, and more shops and factories were built, until to-day more than 10,000 people are engaged in button making and clamming. I happen to have in my desk here some of these shells, showing the nature and the character of the raw material of this industry. Here are some of the shells. That is the raw material of the pearl-button industry, whose product now amounts to $10,000,000 a year.

Mr. GARRETT. How old does a mussel have to become before it is of commercial value?

Mr. DAWSON. It becomes of commercial value at about 5 years of age.

Mr. COCKRAN. Is that a 5-year-old one?

Mr. DAWSON. No. That is one of the species known as the "washboard mussel." There are more than a hundred different varieties, and a half dozen of them are most valuable for the manufacture of pearl buttons.

Mr. FITZGERALD. What is the age of that one which the gentleman has?

Mr. DAWSON. I have no knowledge as to the age of this particular shell.

Mr. EDWARDS of Georgia. Are they good for food also?

Mr. DAWSON. No. I want to say to the House that this is a growing industry. There are 3,000 men in the United States who are engaged in the occupation of taking these shells from the rivers. During the past year a large portion of the shells for this industry have come from the State of Indiana, and I am a little surprised to find the gentleman from Indiana [Mr. Cox] standing in his place on this floor in opposition to this proposition to conserve these natural resources which are not on the prairies and in the forests, but which are in the beds of the rivers from one end of the country to the other.

It was only a few years ago when all of the money that the people of the United States expended for pearl buttons was being sent to the underpaid and overworked labor of Austria. To-day that money is being kept in the United States, and it is going to these workingmen, these men who are taking the shells out of the rivers, and to the men and women who are engaged in the manufacture of the buttons. I want to add right here that the price of these buttons to the consumers of the United States has been reduced since the protective duty was enacted. Last year the average price of the pearl buttons manufactured in the United States to the manufacturer was about 19 or 20 cents a gross, little less than 2 cents a dozen.

It seems to me that it is a matter of wisdom, that it is a matter of common sense, that we should undertake to conserve this supply of the natural resources of the United States, especially since it has been determined by the Supreme Court of the United States that the States do not have jurisdiction over the beds of streams in which these mussels are found. So that if steps in this direction are not taken by the Federal Government it would require concurrent action by all of the state legislatures, and, as everyone knows, that is practically impossible.

It seems to me, Mr. Chairman, that this proposition instead of being one which can be criticised is one which ought to meet the hearty approval of every man in this House, especially every man who has at heart the conservation of the natural resources of his country. [Applause.]

Mr. EDWARDS of Georgia. Will the gentleman yield for a question?

Mr. DAWSON. Certainly, if my time has not expired.

Mr. EDWARDS of Georgia. I want to ask the gentleman what is the value of those shells which are sold in the rough?

Mr. DAWSON. The present value of them is from $15 to $18 a ton.

Mr. EDWARDS of Georgia. Does the size of the shell determine the value of it to any extent?

Mr. DAWSON. Not entirely. There are different varieties. Some of them have more value than others. The mucket, the pocketbook, the yellowback, the washboard, and the niggerhead are the most valuable for button making.

Mr. EDWARDS of Georgia. What variety is this the gentleman has shown?

Mr. DAWSON. That is the washboard.

Mr. EDWARDS of Georgia. I want to say that I am in favor of this proposition. I want a mussel industry in my State.

Mr. COX of Indiana. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, I understood the Chair to hold that debate had been exhausted on this amendment.

Mr. COX of Indiana. I did not so understand.

Mr. TAWNEY. Mr. Chairman, I want to say to members of the committee that I would like to get along as rapidly as possible. I do not want to cut off Members of the House from free debate on propositions, but we will have to remain in continuous session until this bill is completed. We are two days later now than we were two years ago in passing the sundry civil bill, and I trust that Members will——

Mr. COX of Indiana. Mr. Chairman, I will say to the gentleman that I have not consumed much time during the consideration of this bill.

Mr. TAWNEY. I do not complain of Members at all, Mr. Chairman.

Mr. COX of Indiana. But I did want a few minutes' time to answer the gentleman from Iowa.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and pending amendments be closed in five minutes.

The motion was agreed to.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman from Minnesota a question before the gentleman begins. Is there any danger of these sections being knocked out?

Mr. TAWNEY. What is the gentleman's statement?

Mr. CLARK of Missouri. I say, do you think there is any danger of these sections being knocked out of this bill?

Mr. TAWNEY. What sections?

Mr. CLARK of Missouri. This fresh-water-mussel proposition.

Mr. TAWNEY. We hope not.

Mr. CLARK of Missouri. If there is, I would like to have two or three minutes to help keep them in. [Applause.]

Mr. COX of Indiana. Mr. Chairman, as I said a moment ago, I seriously object to this way of legislating, making laws upon the appropriation bills so as to prevent Members of this House from hearing the question discussed as it ought to be discussed. I have no objection to the button factories or button industries in the United States, and I only wish that there were 10,000 button factories running at full time and that in every one of those factories were working a thousand men. But, Mr. Chairman, the objection that I urge against this is to the Government of the United States going into the business of investigating for the purpose of furnishing the manufacturers this free raw material for fear that the raw material is going to be exhausted. I contend that if it is desirable at all it should be investigated by the manufacturers themselves. Certainly all the scientific men who know anything about the shell industry in the United States are not in the employ of the Government of the United States. If they are, surely the Government would lend some of the men to the manufacturers along this line for the purpose of investigating the best way and manner of propagating fresh-water mussels in this country.

Mr. DAWSON. If the gentleman will permit me, will not the gentleman agree with me that the perpetuation of the supply in this country of mussels is of equal or perhaps greater value to the men engaged in the industry and the workmen——

Mr. COX of Indiana. It was shown to the Committee on the Merchant Marine and Fisheries that in the Ohio River, the Wabash River in the States of Illinois and Indiana, and the White River in the State of Indiana there are countless tons of these fresh-water mussel shells suitable for the purpose of manufacturing, and they are now being used by manufacturers of pearl buttons in this country.

Mr. FOSTER of Illinois. If the gentleman will permit, I will state that in a letter from the Department of Commerce and Labor it is stated that at the rate they are now being taken out of the Wabash River they are now almost exhausted.

Mr. COX of Indiana. Mr. Chairman, it has been stated here time and time again upon the floor of this House, last session and this session, that whenever a department gets hold of a little power it never lets that power go, and it is crying all the time for more money, so it might have more power in its jurisdiction.

Now, the gentleman has stated that some of these mussel shells were coming from my own district. I will say to him there are to-day countless thousands of them, yes, I will say hundreds of tons of them being taken out of the Ohio River, the White River, the Wabash River, with nothing to show that they are shortly to become exhausted. And where is this work going to end? If the Government of the United States is going to appropriate money for the purpose of giving scientific investigations for the purpose of developing raw material, where is it going to end? Later on, will Congress be asked to make an appropriation to scientifically develop some other proposition for fear that some other raw material is going to become exhausted? That is the objection I have to this provision of the law.

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

Mr. COX of Indiana. Yes. It is just as fair for the Government to develop, from a scientific view point, a process whereby any other manufacturers engaged in any other line of business may be furnished, at the expense of the Government, a plan to furnish themselves with free raw materials. Let the manufacturers do it themselves, and not forever continue to run after the Government for aid along this line. It is paternalism pure and simple.

Mr. MANN. The gentleman and I are very apt to think alike on many things. These fresh-water mussels grow in the mud bottoms of mud rivers. Could a private manufacturer or any private person propagate them in the Ohio River, or the White River, or the Wabash River, or the Mississippi River?

Mr. COX of Indiana. Probably no private individual could propagate them within the rivers, but I take it for granted that any private individual could study this from a scientific view point at some other place than a point or place where the jurisdiction of the United States is sovereign and complete.

Mr. MANN. Could they make use of their information?

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

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

The Clerk read as follows:

Schooner *Grampus:* Master, $1,500; first mate, $1,080; second mate, $840; cook, $600; three seamen, at $540 each; one cabin boy, $420; in all, $6,060.

Mr. SMITH of Iowa. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 93, line 17, after the word "dollars," insert "engineer, eight hundred and forty," and, in line 20, strike out "sixty" and insert "nine hundred."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

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

The Clerk read as follows:

For the establishment of a fish-cultural station in the upper Mississippi River Valley for the collection and propagation of fishes indigenous to that region and as a necessary auxiliary to the biological station at Fairport, Iowa, including purchase of site, construction of buildings and ponds, and equipment, at some suitable place to be selected by the Secretary of Commerce and Labor, $25,000.

Mr. SMITH of Iowa. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 96, after line 25, insert:

"For establishing fish-cultural stations on Puget Sound or its tributaries in the State of Washington for the propagation of salmon and other food fishes, and for each and every purpose necessary in connection therewith, as authorized in the act approved January 29, 1909, $50,000."

The CHAIRMAN. The question is on agreeing to the amendment.

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

Mr. EDWARDS of Georgia. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 96, after the word "dollars," in line 25, insert:

"And also for the establishment of a fish-cultural station in the First Congressional District of Georgia for the collection and propagation of fish indigenous to that region, including the purchase of site, construction of buildings, ponds, and equipment, and maintenance at some suitable place, to be selected by the Secretary of Commerce and Labor, $25,000."

Mr. SMITH of Iowa. Mr. Chairman, I make a point of order against this amendment. It is not authorized by existing law and changes existing law.

Mr. EDWARDS of Georgia. Mr. Chairman, I would like to state to the gentleman that the bill proposing this biological station or fish-cultural station has been reported favorably by the committee. I think, strictly speaking, if the gentleman insists on his point of order, that the amendment is subject to the same, but I hope that the gentleman will not press it. We are very badly in need of this fish-cultural station down there. The food fishes are decreasing. We need some way to go into that cause there.

Mr. SMITH of Iowa. There are 30 or 40 of these bills in just the same situation, and I could not refuse to let any of these go on if I let this one go on. Therefore I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the federal courts, and digests thereof, for the use of the Commissioner-General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" (34 Stats., 898); for expenses of necessary supplies, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including

the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was erroneously made; all to be expended under the direction of the Secretary of Commerce and Labor, $2,400,000: *Provided*, That the expenditures for the enforcement of the Chinese-exclusion act shall not exceed $500,000: *Provided further*, That on and after July 1, 1909, all head tax collected pursuant to the provisions of section 1 of the said act of February 20, 1907, together with all fines, rentals collected, and moneys received from other sources under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that paragraph. I do not understand exactly what this is for.

Mr. SMITH of Iowa. The fact is that heretofore the expenses of regulating immigration have been paid out of the head tax. That head tax has been wholly at the disposition of the Bureau of Immigration and Naturalization, practically without restraint, tending to very great extravagance. From our standpoint the bureau ought to be required to come to Congress once a year for what money it needs. The reason it is desirable from the standpoint of the Immigration Service is that they no longer have money enough, so that both sides of this controversy have, as I understand it, now reached an agreement. The Immigration Service want annual appropriations in place of the permanent appropriation of the head tax because they are short of money; and we want annual appropriations so that when the immigration again swells, as it has in prior years, they will not be able to spend all the money. So it seems to be a very happy way, to my mind, on which we ought to agree on that subject.

Mr. GARRETT. The second section is made necessary by the first?

Mr. SMITH of Iowa. Certainly.

Mr. GARRETT. It is just merely a matter of administration?

Mr. SMITH of Iowa. It is a matter of administration, and we think will tend to economy in times of large immigration and will provide for their necessities in times of slack immigration.

Mr. GARRETT. All right.

Mr. BENNET of New York. Mr. Chairman, I desire to offer an amendment to this section.

Mr. GARRETT. The point of order is not withdrawn.

Mr. SMITH of Iowa. Does the gentleman from Missouri desire to make an inquiry?

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. GARRETT. I withdraw the point of order.

Mr. BENNET of New York and Mr. KELIHER rose.

Mr. BENNET of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York is recognized.

The Clerk read as follows:

Page 98, line 19, before the word "provided," insert:
"*Provided*, That not to exceed $50,000 of said sum may be expended as provided under section 24 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States.'"

Mr. UNDERWOOD. I would like to reserve the point of order on that until I understand what the proposition is.

Mr. BENNET of New York. Mr. Chairman, section 24 of the immigration law provides that in order to enforce the contract-labor law the Secretary of Commerce and Labor can expend up to $50,000 a year without filing vouchers, if he certifies that it is not for the best interest of the public that the vouchers should be filed. The Committee on Immigration came to the conclusion when the bill was in the Fifty-ninth Congress that if you are to enforce the contract-labor law—and it ought to be enforced; it is on the statute books—the only way you can do it is to allow the Secretary to go outside of the civil-service law and hire men, not only here but abroad, to detect contract labor, at its inception, if necessary, and follow the laborers into the large factories and places of business here where they go under the inducements of the employers.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. BENNET of New York. Certainly.

Mr. MADDEN. Does the gentleman wish the House to understand that a better class of employees can be secured outside of the civil service than inside?

Mr. BENNET of New York. Not necessarily; but men can be obtained who are not known to every intending violator of the law, also who are not within the rigid limitation of the first three of any list. The committee honestly and earnestly desire to enforce the law. It deems this provision necessary. I do not know that the amendment is absolutely necessary to continue the privilege of the Secretary; but in order to keep faith, perfect faith, with the laboring men at whose instance this provision was put in the statute, first in 1885, and continued and amplified since, we ought not to take any chances.

Mr. GAINES of Tennessee. Does the gentleman want this special fund to execute this law?

Mr. BENNET of New York. There is a special fund.

Mr. GAINES of Tennessee. Then, what do you want with more?

Mr. BENNET of New York. We do not want anything more.

Mr. GAINES of Tennessee. Then, what do you want?

Mr. BENNET of New York. If the gentleman had heard my explanation, he would understand.

Mr. GAINES of Tennessee. I have been at work at a very important matter here, and I think I am about to be engaged in another.

Mr. BENNET of New York. This amendment ought to be agreed to, and I hope that the point of order will be withdrawn.

Mr. UNDERWOOD. Mr. Chairman, I would like to have the gentleman explain more fully the purpose of the amendment.

Mr. SMITH of Iowa. The section referred to in the immigration law set apart $50,000 out of the head tax to be expended without vouchers; and it is in the nature of another secret service—and, as I am always in favor of legitimate secret service, I am in favor of this.

Mr. UNDERWOOD. You say this is to be spent without any vouchers. Why should this appropriation be made out of the Treasury as you propose to do on other matters?

Mr. SMITH of Iowa. It is paid out of the Treasury, and it is simply a provision that $50,000 of the appropriation made may be used as already authorized by existing law.

Mr. SABATH. Will the gentleman yield? Is it not a fact that the Secretary of Commerce and Labor has power now and is using that fund for that purpose?

Mr. SMITH of Iowa. He has got power out of the head tax, but this section provides that the head tax shall be turned over to the Treasury.

Mr. BENNET of New York. This specifies that he has the right; it is simply in the nature of a further assurance.

Mr. SABATH. It is no limitation?

Mr. BENNET of New York. It does just the contrary; it makes it certain that he will have this fund.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. BENNET of New York. If I have the floor I do.

Mr. GARDNER of Massachusetts. Mr. Chairman, I think I can satisfy the gentleman from Alabama about this matter. Have I the attention of the gentleman from Alabama? The gentleman from Alabama and I have substantially the same ideas on the question of immigration. This provision exists in law to-day. This bill proposes to take out of the hands of the Secretary of Commerce and Labor and put into the hands of Congress the expenditure of the "immigrant fund." The gentleman from New York and I were somewhat fearful that this provision for the enforcement of the contract-labor law might possibly by some Comptroller of the Treasury be held to require vouchers. We especially wished to avoid that, and to retain this provision for the enforcement of the contract-labor law.

I do not think any point of order lies against the provision offered by the gentleman from New York; but if I had not supposed that his amendment certainly would be put in the bill, I should have raised the point of order on the paragraphs just passed.

Mr. UNDERWOOD. Would the effect of the amendment offered by the gentleman from New York be toward the restriction of immigration?

Mr. GARDNER of Massachusetts. That is the purpose of it, for the better enforcement of the contract-labor law.

Mr. UNDERWOOD. I withdraw my point of order.

Mr. EDWARDS of Georgia. I renew it.

Mr. BENNET of New York. The effect of the amendment will be to keep out undesirable aliens.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. EDWARDS of Georgia. No. I wish to ask the gentleman from New York a question.

Mr. BENNET of New York. Certainly.

The CHAIRMAN. The Chair understands the gentleman from Georgia to have made the point of order.

Mr. EDWARDS of Georgia. No; I reserved it.

Mr. SMITH of Iowa. I think the point ought to be made or not made. If it is made, I wish to be heard on it.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard on the point of order?

Mr. EDWARDS of Georgia. I want to ask the gentleman from New York a question, and if he gives me the information I am seeking, I shall be done. Is it the purpose of the amendment to expend this sum of money without vouchers?

Mr. BENNET of New York. It is the purpose of the amendment to make clear that that portion of the law which now authorizes the Secretary of Commerce and Labor to expend this money without vouchers shall not be repealed.

Mr. EDWARDS of Georgia. Then I insist on the point of order.

Mr. SMITH of Iowa. It is not subject to a point of order.

The CHAIRMAN. The Chair overrules the point of order. This proposition is clearly in order.

Mr. GAINES of Tennessee. I move to strike out the last word.

Mr. BURNETT. I ask for the reading of the amendment.

Mr. GAINES of Tennessee. Let us have the amendment read again.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. SMITH of Iowa. Mr. Chairman——

Mr. GAINES of Tennessee. Now, I should like to ask the gentleman in charge of the bill, or rather the gentleman from New York——

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] is recognized.

Mr. SMITH of Iowa. I move that all debate on the paragraph——

Mr. GAINES of Tennessee. I have the floor. I was on the floor addressing the Chair, and asked that the amendment be read so that I could understand what it was.

Mr. SMITH of Iowa. It is my desire to humor the gentleman. I move that at the end of five minutes all debate on the paragraph and pending amendment be closed.

Mr. GAINES of Tennessee. Then, Mr. Chairman, I hope that it will be voted down, because the gentleman says this $50,000 is to be expended without vouchers, and we are voting on something that we do not know anything about.

The question being taken on the motion of Mr. SMITH of Iowa, on a division (demanded by Mr. GAINES of Tennessee and Mr. HITCHCOCK) there were—ayes 88, noes 41.

Mr. GAINES of Tennessee. Tellers!

Tellers were ordered, and the Chairman appointed Mr. SMITH of Iowa and Mr. GAINES of Tennessee.

The committee again divided, and the tellers reported—ayes 94, noes 34.

Accordingly, the motion of Mr. SMITH of Iowa was agreed to.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I yield one minute to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS of Georgia. Mr. Chairman, I understand this amendment proposes to expend $50,000, and that there is to be no record kept of it, and that no vouchers are to be kept of the expenditures. I think it is one of the most ridiculous propositions that have ever come up before the House. The idea of going into the Treasury of the United States and taking out $50,000 of the people's money and placing it to be expended without leaving any vouchers for it! It opens up avenues for graft, it opens up avenues to wrong dealing. Expending the people's money in such a manner as this is a reflection on Congress. I think vouchers should be kept for the smallest expenditures from the Public Treasury, and that no money should be expended from the Public Treasury, no matter how small the sum, unless vouchers are had for it by which we may keep track of the expenditure, and by which we know how our money is being expended. The people have a right to know.

Mr. GAINES of Tennessee. Mr. Chairman, I sought some information about the need for this so-called reform. I have yet to find a particle of intelligence to show the reason why this $50,000 should be spent by a secret-service system which has been so roundly denounced by the gentleman from Iowa [Mr. SMITH] as a class of men wholly unreliable. He said a moment ago that we should take $50,000 of the people's money to put in that class of men without requiring a voucher. That is the substance of what the gentleman said.

Mr. GARDNER of Massachusetts. Will the gentleman from Tennessee let me say one word in his time?

Mr. GAINES of Tennessee. Yes.

Mr. GARDNER of Massachusetts. This has been in the law exactly as it is now for two or three years. It was found absolutely impossible to enforce the contract-labor law when they had to employ people whom everybody knew about. This provision was put into the law for the purpose so that, if necessary, they could employ foreigners and citizens of all classes.

Mr. HARRISON. What does the gentleman mean—spies?

Mr. GARDNER of Massachusetts. I fancy so. It is unfortunate that we must at times employ spies. To be frank with the gentleman, I think we have men in the steerage of the trans-Atlantic steamers, and we had to employ that method in order to enforce the contract-labor law. As I say, this has been in the law for two or more years, and it has worked exceedingly well. All that we desire is that it should remain in the law without being construed out of the law.

Mr. GAINES of Tennessee. Does the gentleman mean to say that we have a statute that allows $50,000 of the people's money to be turned over to a class of men whom the chairman of the Committee on Appropriations and the gentleman from Iowa have characterized as wholly unreliable?

Mr. NORRIS. And, if the gentleman will allow me, I would like to suggest that he ask the gentleman from Iowa whether he is in favor of a provision in the law that will prohibit the transfer of these secret-service men to other departments?

Mr. SMITH of Iowa. I will cheerfully answer that: If a system grew up of the transfer of these men to other branches of the Government, I would certainly be in favor of a law to prohibit it.

Mr. GAINES of Tennessee. The gentleman from Iowa has just assisted in passing a provision that the Secretary of the Treasury shall not use these men for any other service except down there in the Treasury, and right after that, the words had hardly left his mouth, before the gentleman from the State of Iowa had finished his wonderful condemnation of the secret-service system as wholly unreliable and despicable—I think he used the word "liars"—he turns around, this great economist, this great watchdog of the Secret Service, aliunde the Treasury Department, and wants to give them $50,000 and take no receipt or vouchers.

Mr. SMITH of Iowa. Will the gentleman allow a suggestion?

Mr. GAINES of Tennessee. Yes.

Mr. SMITH of Iowa. The head tax is $4 per capita, and runs from two and a half million to four million dollars a year, and in order to avoid a point of order against the $4,000,000 repeal, I was willing that this should stay in this one year.

Mr. GAINES of Tennessee. The gentleman seems to me to be playing heads and tails on this proposition. He was against the Secret Service, and now he comes up and wants to turn over $50,000 of his constituents' money, $50,000 of my constituents' money, $50,000 of the people's money, to these same class of men to execute the law.

The CHAIRMAN. Debate is exhausted. The question is on the amendment offered by the gentleman from New York.

The question was taken, and on a division (demanded by Mr. SMITH of Iowa) there were 75 ayes and 20 noes.

So the amendment was agreed to.

Mr. KELIHER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

After line 4, page 99, add as a new paragraph:

"Toward the purchase of ground and complete erection and furnishing of a new fireproof immigration station at the port of Boston, in accordance with the provision of an act entitled 'An act to provide for the purchase of a site and erection of a new immigration station thereon at the city of Boston, Mass.,' approved February 23, 1909, $100,000."

Mr. HULL of Iowa. To that I make a point of order.

Mr. SMITH of Iowa. Mr. Chairman, that bill was passed too late to have an appropriation included in our appropriation bill, and in my judgment this amendment ought to be adopted.

Mr. HULL of Iowa. I will withdraw the point of order.

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

The Clerk read as follows:

Hereafter there shall be submitted, following the estimates under the foregoing appropriation for expenses of regulating immigration, statements showing the amount required for each object of expenditure mentioned in said estimates.

Mr. HAYES. Mr. Chairman, I move to strike out the last word. I desire briefly to call the attention of the House to the condition of the Chinese-exclusion service. Congress has certainly done its part in enforcing the Chinese-exclusion act. Ever since I have been a Member of Congress there has been an annual appropriation of $500,000 for this purpose. One would think that was enough to exclude every Chinaman that sought to come here or to deport those who by chance eluded the vigilance of the immigration officials and illegally got into this country. Yet I am bound to say that unless there is a change in the method of executing this law, the Chinese-exclusion law in the near future will come to be a dead letter. By

the report of the Commissioner-General of Immigration for the last year there has been an increase in Chinamen admitted into this country of over 38 per cent.

Those of us who know anything about this subject I think will agree that every one of these additional entries is fraudulent, and more than 90 per cent of all the Chinamen who are admitted through the immigration office are admitted fraudulently and are not entitled to be in this country at all. Even this would not be so alarming if it were not for the fact that wholesale smuggling is going on all along the Mexican and Canadian borders and in many places along the Pacific coast. There has lately been some effort to stop this smuggling and to punish the smugglers.

Mr. COX of Indiana. Mr. Chairman, how does the gentleman account for the fact that so many of these entries have been fraudulent? I think he makes the estimate of 90 per cent. What is it due to?

Mr. HAYES. It is due to the fact that the Chinaman has usually no regard at all for the sanctity of an oath, and it takes a most expert and persistent effort on the part of the officials to discover the frauds.

Mr. COX of Indiana. Has it been due in any way to lack of Congress appropriating sufficient money?

Mr. HAYES. It has not. I stated in the beginning that Congress has done its part; but there is just at this time, and has been for two or three years past, a great laxity and lack of spirit in the enforcement of this law.

Mr. COX of Indiana. The fault must lie with some one.

Mr. HAYES. It lies with those who are charged with the administration of the law, without any question. Now, the principal trouble, I take it, is not so much with those who are immediately charged with the admission of the Chinese, but it is due to the fact that the Department of Commerce and Labor has chosen not to arrest those who have gained admission to the country surreptitiously and fraudulently, especially if they get a little away from the border.

In his report for 1908 the Commissioner-General of Immigration admits that these surreptitious entries of Chinese are very large and on the increase. I read from his report for 1908, page 148:

> In the early months of the calendar year 1905 the bureau undertook the conduct of a quiet canvass with the object of securing a record of the Chinese in each district, and of the papers, if any, held by them as evidence of their right to reside in the United States. In some districts this canvass or census was complete, but in others it was only fairly begun when so strong a protest arose on all sides that instructions were issued for its discontinuance. It had been carried far enough, however, to indicate that there were then about as many Chinese in the United States whose entry had been unlawful and who held either no papers showing a right of residence or else had in their possession papers of a forged, fraudulent, or irregular character as there were of the lawfully resident class. Is it any cause for wonder, therefore, that the "companies," the "steerers," the "promoters," and the "smugglers" interested in the immigration and residence here of coolies should have registered an emphatic objection to the Government's pursuing a course calculated to expose the extensiveness of their operations? Simultaneously with the discontinuance of the census the general policy with regard to the making of arrests in the interior of the country was so changed as to contemplate arrests being made only in flagrant cases of unlawful residence coming to the attention of the Chinese inspectors incidentally during the conduct of investigations regarding domiciled Chinese, which policy has been practically continued to the present time. In other words, while the excluding provisions of the law have been vigorously enforced at the ports of entry, the provisions contemplating expulsion have not been emphasized elsewhere than along the Canadian and Mexican borders and in districts immediately connected therewith. Table 3 A (p. 154) shows that during the year 912 Chinese persons have been arrested and 477 finally deported. But the vast majority of these arrests, viz, 816, were made in districts immediately on or closely connected by lines of travel with the land boundaries. During the fiscal year 1907, 503 arrests were made, only 50 of which occurred in the interior. (Annual Report, 1907, p. 99.) What has been the result? Chinese have come to believe that once they reach the large cities of the interior they are practically safe, and that it is much easier and not very much more expensive to gain entry by some of the surreptitious routes than through a regular port; hence the conditions described in subtitle 4 hereof regarding the Canadian and Mexican borders. If the exclusion law is to remain on the statute books as now drawn, it is obvious that its reasonable enforcement demands a change in this policy. Money that was formerly spent in the defense of Chinese arrested in the interior can now be used to pay the expenses of smuggling coolies and conveying them to the interior, and as long as this can be done at a profit the smuggling will continue.

Remarkable words these to come from the department whose duty it is to enforce the law. Not only has there been of late great laxity and indifference on the part of the Department of Commerce and Labor in the deportation of Chinese unlawfully in this country, but the same spirit has pervaded the whole administration of the law. This, in effect, is serving notice on the Chinaman that if he can avoid the vigilance of the officials and get to some city in the country he will not be disturbed, and as a result this wholesale smuggling is not only continuing, but is vastly increasing from month to month and year to year, and must continue to increase unless the policy of the Department of Commerce and Labor is changed in this respect. A gentleman connected with the Chinese service, and well up in the service, too, told me not long ago, and I have no doubt that he is correct, that he believes that 500 Chinamen are here in the city of Washington in violation of the law, and yet he says:

> I am not allowed to make any move to discover these men, nor to arrest or deport them.

In 1906 President Roosevelt appointed a commission, composed of J. W. Jenks, R. M. Easley, and J. B. Reynolds, to consider the Chinese boycott and the smuggling of Chinese into the United States. That commission reported to Secretary Straus in 1908, and the concluding paragraphs of that report are as follows:

> Our commission, therefore, has reached the conclusion that the demoralization of the bureau in its Chinese service is widespread, and unless radically reformed serious complications, both political and commercial, are threatened. Our commission did not consider that its duty was to make definite, formal charges against particular officials, except as incidental results of investigation, but to present to you as full a statement as possible of the bureau's relation to the causes of the boycott, leaving it to you to determine what action should be taken.
>
> In no point does the demoralization of the bureau appear more striking than in its failure to prevent the smuggling of coolies. We found no evidence of systematic efficient effort to check such widespread violations of the law. The recommendations of Greenhalge to the Commissioner-General that the Government should attempt to catch the leading white smugglers, upon whom the smuggling system depends, seemed to your commission the most practicable method of securing substantial results. This suggestion appears to have been unheeded. From my present knowledge of the situation I am confident that with intelligent and energetic handling the extensive smuggling which exists to-day might be practically wiped out.
>
> It is therefore the earnest hope of your commission that the relations between the Chinese in this country and the American Government, through the Bureau of Immigration, may be essentially improved; that more determined effort and persistent effort may be made for the suppression of blackmail and the smuggling of Chinese coolies, and that a higher standard in the selection of immigration officials may be enforced.

These conditions were brought to the attention of the proper department long ago. In August and September, 1907, Professor Jenks, of the Immigration Commission, with Mr. Atkinson, secretary of that commission, visited the Canadian and Mexican borders, investigating and reporting conditions to the Secretary of Commerce and Labor. On his return from that trip, he gave to Secretary Straus evidence of complicity on the part of a number of inspectors in the wholesale smuggling of Chinese on both borders; and I ought to say that I do not get this information from Professor Jenks. The only thing that seems to have been done about it was that the honest inspector who gave Jenks his information was shorn of his credentials and transferred, and the dishonest employee retained, just as Doctor Solomon was transferred from Ellis Island in the fall of 1906 for giving J. B. Reynolds information.

It is true that last fall, or early in the winter, Assistant Secretary William R. Wheeler, of the Department of Commerce and Labor, stirred up things down on the southern California border near San Diego, and as a result there were several removals of inspectors, and smuggling at that point was somewhat interfered with, but the evidence upon which the removals were made was not secured in the first instance by the Department of Commerce and Labor, but by a detective employed for that purpose by the Immigration Commission. The conditions in the Chinese-exclusion service may in the last few months be somewhat improved, but not enough to reduce to any considerable extent the number of Chinese coming into this country.

And so far as excluding Japanese is concerned, there seems to be no attempt to execute the law. The immigration act of 1907 provides in substance that when in the opinion of the President of the United States alien laborers from our island possessions or from contiguous foreign territory are entering the United States to the disturbance of labor conditions therein, he may by proclamation forbid the entry into this country of such laborers. In accordance with this law the President of the United States immediately after its passage issued his proclamation forbidding the entry of such laborers from Hawaii, Mexico, or Canada. The effect of all this was, as it was intended to be, to make the entry of Japanese laborers from Hawaii, Mexico, and Canada illegal, and being here contrary to the law such Japanese are subject at any time to arrest and deportation. The issuance of the proclamation seems to be about all that has been done. It may be that when Japanese present themselves to the immigration officials these officials turn them back and forbid them to enter the United States, but there is apparently no attempt to exclude them other than this.

On the Mexican border the Rio Grande can, most of the year, be easily forded and can be crossed on rowboats at any time. Hundreds of Japanese have been crossing to the United States nearly every day, and there seems to be scarcely a pretense of preventing them and no arrests and deportation of those who thus surreptitiously and unlawfully enter the coun-

try. I do not know, Mr. Chairman, that we can do anything in this matter by talking about it, but it seems to me that something ought to be done either to enforce the law in its letter and spirit or else cease to make appropriations for a service that is rapidly coming to be a byword and a jest.

Mr. Chairman, I do not desire to further take up the time of the House. I wished only to call the attention of the House to the matter, and I ask unanimous consent to print in the RECORD a letter which I have received from a business man, an American citizen residing just over the border in Mexico. He was formerly a newspaper proprietor in my section of California, and no one who knows him would question his veracity.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

CUATRO CIENEGAS,
Coahuila, Mexico, February 2, 1909.

Congressman HAYES,
Fifth California District, Washington, D. C.

DEAR SIR: It was with a great deal of interest that I read in a recent issue of the San Francisco Chronicle an interview with you on the subject of Japanese immigration. It is a pleasure to me and to other Americans in this country to know that there is one Congressman who seems to have a clear idea of the situation, especially with regard to the immigration of Japanese by way of Mexico. I am in a position to give you a few facts which will, I feel, be of interest to you and those who take the same position as you.

During the last half of 1906, all of 1907, and up till September 1, 1908, I was in the enjoyment of unusual facilities for observing the steady movement of Japanese toward the Rio Grande River from the interior of Mexico by one of three lines of travel leading in that direction. These are by way of El Paso, by Eagle Pass, and by Laredo, the routes, respectively, of the Mexican Central, the Internacional Mexicano, and the Mexican National railroads. What I have to say has to do with the Internacional route by way of Ciudad Porfirio Diaz and Eagle Pass.

During the greater portion of the period to which I refer I was so employed as to be in a position where it was impossible for aliens of any kind going north to escape my observation. In the case of the Japanese, a great throng, numbering into the thousands, at one time and another passed north along the railroad right of way on foot. At a point about 60 miles south of the Rio Grande is another river, the Sabinas, over which there is but one bridge, and across which structure foot travelers must pass, as the stream is not fordable. During the daytime I was stationed in an office building about 100 feet from the southern entrance to the bridge, and in consequence it was absolutely impossible for anyone to cross without being seen by me. At night we had two watchmen under instructions to permit no one to pass. Beginning with October of 1906, groups of Japanese began passing over this bridge, sometimes to the number of 100 or 200 a day. They were almost without exception clad in portions of soldier uniforms. They seemed to have abundance of money, both Mexican and Japanese, and there was always one man who acted the part of an officer and gave orders to the others, which were implicitly obeyed. Why men so well supplied with money should choose to walk instead of taking the train was a mystery, although at the same time that these were walking the one train daily to the north usually carried a good complement of their fellow-countrymen. Of course those on the train on landing at Ciudad Porfirio Diaz found themselves at once confronted with the United States immigration inspectors while those on foot could leave the railroad track just before entering town and make their way to some appointed spot for crossing the Rio Grande undetected.

For many months this stream of Japanese northward bound continued, and finally, from motives of patriotism and thinking that the facts with regard thereto might be of use to the immigration officials of the border, I communicated with the person in charge, located at San Antonio, and after stating the facts, offered to furnish information with regard to this remarkable hegira. My offer met with such a cold reception that I did not pursue it further.

There were several thousand of these men, practically all ex-soldiers, who were brought to this country ostensibly to work in the coal mines of Coahuila. At one time some 2,000 were landed at a group of mines close together, and within two weeks not one was left. All had gone north toward the river. In one case guards were put around the mine property, but the Japanese left in the night, although they were shot at by these guards.

In the employ of the company for which I was acting as paymaster was a Mexican foreman, and native labor being scarce, he finally persuaded a number of Japanese to take temporary employment under him. This Mexican was friendly to me, as I had done him some favors, and one day he asked me if the Americans thought the Japanese were friendly to them; I told him a good many Americans thought so, but that I was from California and knew better. He then told me that I was quite right. He said that the Japanese thought the Mexicans did not like the Americans (which is largely true) and that in consequence they were not afraid to talk to them.

The Japs, he said, boasted among the Mexicans that they were all soldiers; that they had their expenses paid to come to this country, and that they were all making their way over into the United States as fast as they could. When enough of them had reached the United States, then there was going to be a war, and the Americans would all be killed off. I told the Mexican foreman to find out all he could from others, and he reported to me that they all talked alike; that they hated the Americans and were going to kill them just as they did the Russians.

In Ciudad Porfirio Diaz I often saw one who was manifestly a high officer, wearing, as he did, an officer's undress uniform. A reputable business man told me that he was an army officer, and that he was getting maps and pictures of the frontier. He told me that the Japanese had a room full of blueprints and photographs. There was also a very bright Japanese, speaking English fluently, and said to be a Prihee, who purchased cameras and photographic material by wholesale, as I accidentally learned.

The immigration authorities on the bridge at Eagle Pass do their work thoroughly and intelligently, but I am quite sure that not one-tenth part of the Japanese whom I have seen during the past two years headed for the Rio Grande ever tried to cross the bridge. Both above and below Eagle Pass is a vast territory almost unsettled, on either side, and the river can easily be crossed with boats, while I am told that there are many places where it can be forded at low water.

There is a little town about 5 miles south of Diaz, where there are a number of Japanese and Chinese employed at a coal mine. I became pretty well acquainted here, and finally had my attention attracted by some suspicious movements. The Chinaman who was the "boss" at the village was a pretty good friend of mine, and one day after I had seen and heard some things that were suspicious I taxed him in private with knowing something about smuggling Chinese and Japanese across the river. He acknowledged that I was right, and when I asked him how much it cost, he said the rate was $400 Mexican. I asked him how they got across and he said by a boat; but he would not tell me where the crossing was made. I reported to the immigration inspectors on the bridge at Eagle Pass that there was "something doing" in the way of smuggling at the rate of $400 a head, but as the Chinaman whom I bluffed out of the information had done several friendly services for me I did not feel warranted in giving him away.

The bulk of the immigration that I have noted occurred during the last three months of 1906 and all of 1907. There had been some during 1908, down to the time I was transferred from the main line of the railroad to this place, but since September 1 I have no knowledge.

It would be of interest to know just how many Japanese immigrants were reported crossing the Diaz-Eagle Pass bridge during 1907–8. That thousands got across the river in some way is well known to many Americans in Mexico, who had an opportunity to see something of it for themselves. And it is not at all unlikely that the experience of this particular line of travel was repeated both by the Laredo and the El Paso routes.

If I can be of any service in furnishing further information in this direction, I shall be glad to do so.

If you will ask Congressman KNOWLAND, of the Third District (whose name, I am proud to say, was first mentioned as a candidate for Congress in my newspaper), he will, I am sure, testify to my reliability.

I must ask as a favor, however, that my name be not publicly mentioned in this connection, nor that of the company with which I am connected.

Wishing you the utmost success in the fight you are waging on behalf not only of California, but the entire country, a fight which I am assured time will show you to have been on the right side, I am,

Yours, truly,

Apartado 11, Cuatro Cienegas, Coahuila, Mexico.

Mr. HEPBURN. Mr. Chairman, while the gentleman from California [Mr. HAYES] was discussing this subject the query came to my mind as to whether or not the people of the Pacific coast were not very largely responsible for this increase in the number of Chinese immigrants in the United States. It is now more than twenty-five years since the exclusion act was passed. At that time it is claimed that there were something less than 100,000 Chinamen in the United States. They were nearly all of them adults, probably the great majority of them were past middle age; there were no children; there were few women, and there were very few youths. With the natural decrease from death and also from the habit of these people as soon as they acquire a little competency to leave the country, the probabilities are that if there had been no increase from abroad the entire Chinese population that we then had would have disappeared. But instead of that I do not doubt that there is a larger number in the United States to-day than there was twenty-five years ago, and that there is a larger number in California than twenty-five years ago.

The truth is, Mr. Chairman, that the great mass of the population of California has never sympathized, in my judgment, with the exclusion act, nor have the people of the United States. Instead of that, in my belief, there is a feeling favorable to a limited Chinese immigration. I do not hesitate to say that 500,000 could be absorbed in the labor field of the United States to-day and not displace a single American. They are the best domestic servants to be found anywhere. They are the choice of all of the domestic servants of the gentleman's own State, I am informed, and while there has been much said here about their untruthfulness and their want of integrity, there is a place for all of these accomplished servants at high wages in the State of California, and a much larger number, I have no doubt, could be accommodated.

There is not a village in the United States where the question of how to run the household, the question of domestic service, is not an all-absorbing one. There is not a village in the United States where the housewives are not more troubled over this question than any other domestic one. [Applause.] How to get good service, how to obtain competent service; and we are excluding thousands, tens of thousands, who would be glad to come and fill this great want if it were not for the cowardly submission to a supposed demand of some parts of organized labor.

There is the trouble. If this matter could be submitted to the housekeepers of the United States, it would be decided against the foolish policy that we have adopted in obedience to the demands of Dennis Kearney and other sandlotters, agitators, and disturbers of the peace on the Pacific coast. Mr. Chairman, if I had my way, I would so modify the exclusion laws that all immigrants from China of the proper age who

came here for the purpose of serving as domestic servants should be welcomed and permitted to stay as long as they followed that occupation. If that was the law of the land, it would bring quiet and peace and contentment to many a household in the United States.

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

Mr. HAYES. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I yield to the gentleman from California.

The CHAIRMAN. The gentleman can not yield in the Committee of the Whole House.

Mr. HAYES. Mr. Chairman, I move to strike out the last word. I am somewhat astonished by the words of the gentleman from Iowa, and in behalf of the people of California I want to say that he is entirely in error as to the sentiment of the people of that State. More than twenty years ago a vote was taken by direction of the state government on the question as to whether the State was in favor of the exclusion of Chinese, and over 200,000 votes were recorded by the voters of that State in favor of exclusion and only between 600 and 700 against exclusion, and I have no doubt if the vote were taken to-day the measure would carry by nearly as large a majority.

More than that, Mr. Chairman, if the people of the State of California could settle this matter, they would not only exclude the Chinaman from the soil of this country, but they would exclude the Japanese and every other Asiatic. [Applause.] The people of California understand this question better than the gentleman from Iowa, and nobody who has not come in contact with it does understand it; and they know that unless these laws are enforced in their letter and spirit that we are creating from year to year a race problem that will be more difficult of solution and that will bring greater disaster to the people of the Pacific coast and to that beautiful section than the race question has brought and possibly may in the future bring to the good people in the South. [Applause.] For that reason I know that I speak for 95 per cent of the people of all classes of the State of California when I say we are praying, we are asking from year to year—we have not come yet to demanding, we have no right to demand, though we would if we could—that the Congress of the United States protect us from that great menace, oriental immigration.

The gentleman is mistaken when he says that if 500,000 Chinese were imported they would not take a day's labor away from a white man or an American citizen. I say, Mr. Chairman, that at this moment there are 22,000 idle white men in the city of San Francisco alone, and every charitable institution there is maintaining, and has been for months, a system of supplying the necessities of these people who are out of work, and yet in my district there are probably 10,000 Japanese, I do not know how many Chinamen, nearly all of whom are employed. Now, Mr. Chairman, I say to you that the people of California, except the few who profit by their labor, which is generally given cheaper than white labor, are in favor of what they conceive to be the patriotic thing to do, and that is to preserve the land of the Pacific coast for the Caucasian race [applause], for those who are either citizens of the United States or may become such. Not a single Chinaman or Japanese can become a citizen of the United States, and yet they are going into the counties of California and buying or renting the land, and in some places they now own great tracts of land in that fair State. I say to you that I believe it is an immediate, pressing necessity that something should be done to stop the influx of Orientals who have been coming to the Pacific coast and who, unless prevented, will absorb not only the entire labor there, but will buy up the land and come to possess and rule and control that fair country as they do or will soon do in Hawaii.

Mr. HEPBURN. I simply wanted to ask the gentleman, Mr. Chairman, whether these thousands that were out of employment were now or would be engaged in domestic labor?

Mr. HAYES. Many of them, undoubtedly, as many of them are waiters and cooks, because that is where the pressure comes largest, from the Japanese especially, and not only that, but there are many girls and women who need the work that is given to these orientals.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I ask unanimous consent that I may have two minutes more.

Mr. SMITH of Iowa. Pending that, I want to say that unless this debate is closed in the next few minutes I must ask that it be closed.

Mr. HAYES. I only wish to say, Mr. Chairman that——

Mr. SMITH of Iowa. Mr. Chairman, I do not understand that time has been extended to the gentleman yet. I want to move that debate end in eighteen minutes.

Mr. CLARK of Missouri. Will the gentleman give me five minutes of that?

Mr. SMITH of Iowa. I will agree to that. I will yield five minutes to the gentleman from Iowa [Mr. HEPBURN], five minutes to the gentleman from Missouri [Mr. CLARK], five minutes to the gentleman from California [Mr. HAYES], and five minutes to the gentleman from New York [Mr. HARRISON], making it twenty minutes in all. I move, Mr. Chairman, that all debate close in that time.

The CHAIRMAN. The Chair will state that it is not in order in Committee of the Whole, except by unanimous consent, to parcel out the time. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that all debate be closed in twenty minutes, to be occupied as he has indicated. Is there objection? [After a pause.] The Chair hears none. The gentleman from California [Mr. HAYES] is recognized for five minutes.

Mr. HAYES. Mr. Chairman, I only desire to say that what is true of San Francisco is true in a less degree of all sections of the State of California. The labor market is greatly overcrowded there, and unless there can be some stop to the influx of the Oriental the time is not far distant when the common laborer of California and, doubtless, in time, the skilled labor, also, will be wholly monopolized by Orientals, because no white man and no white woman can compete with them.

Now, Mr. Chairman, it is not entirely a labor question in the State of California. The gentleman from Iowa [Mr. HEPBURN] is entirely mistaken. These agitations do not come wholly from labor agitators and disturbers of industrial peace, as he states. They come also from men who are employers of labor, and from all classes of society. Mr. Chairman, I claim not to belong to the class of labor agitators. I am myself a large employer of labor, and I would as soon cut off my right hand as to do what the gentleman says, namely, to put in my house as domestics Chinamen or other Orientals to take the place of the white girls that are now employed there.

And why? Because I see that unless the American people set their faces hard against this the contest that is going on on the Pacific coast will result, as it has always resulted, when there comes a contest between the horde from Asia and the Caucasians; and what arms have done in the past peaceful and commercial conquest will do on the Pacific coast in the near future. And, for one, I hope never to live to see the time when that coast will be in the hands of the Orientals as the islands of Hawaii are to-day.

Gentlemen also think that all this is prompted by race prejudice; that it has no foundation in fact. I thank God there is some race prejudice against the Orientals on the Pacific coast, because without prejudice amalgamation would come, and God forbid that anything of that kind should take place on the Pacific coast. [Applause on the Democratic side.] It is true that as yet this race prejudice has not come to the point of such animosity as to lead to bloodshed and mob violence, though it may come to this if the immigration continues, because men that are hungry, and whose wives and children are hungry will not forever, and can not be expected, forever to restrain themselves.

They have been restrained by the promise, the expectation, and hope that the Government of the United States would finally protect them from this peril. Once this hope is dissipated, once it comes to be a settled conviction in the minds of the people of the Pacific coast that the Government of the United States is indifferent to their interests and to their destiny, they may be forced to do what the people of Humboldt County did some twenty years ago—organize themselves, take possession by force of the property and persons of the Orientals within their confines, hire a ship, send them back to China, and warn them never to set their foot on the soil of that county again.

I do not advocate anything of this kind. I should feel very much chagrined to see anything of this kind come; but I do hope that the people of the United States, as represented in this House, will see to it that before it is too late the people of the Pacific coast and that fair section are protected by ample exclusion laws, which shall exclude not only the Chinese, but the Japanese, Hindoos, Lascars, Koreans, and every other Asiatic, and that those laws shall be enforced in letter and spirit.

Mr. WILLIAMS. I would like to ask the gentleman a question. While he is excluding Orientals and Asiatics, why not also exclude Africans?

Mr. HAYES. I would exclude everything but the Caucasian race, if I had my way.

Mr. WILLIAMS. Africans from Africa and the West Indies.

Mr. CLARK of Missouri. Mr. Chairman, I fully agree with the gentleman from California [Mr. HAYES] in his desire to exclude the Chinese; I will go with him in excluding the Japanese; I congratulate him on believing in a white man's government; but I can not understand the peculiar delicacy of certain people who object to their children going to school with Japanese and are still willing for their children to go to school with Africans, a race inferior to the Japanese.

The gentleman from Iowa, Colonel HEPBURN, made a very remarkable speech. I always listen to what he has to say with a great deal of interest. On this occasion I heard him with amazement. He puts the opposition to Chinese immigration into the United States on the wrong principle. As I understand him, his view of it is that nobody but a lot of cowards and demagogues are opposed to it. I do not believe that I am a coward; I hope that I am not a demagogue. He says that opposition to Chinese immigration is at the behest of the labor organizations. The labor organizations are against that immigration, and the labor organizations are dead right in being against that immigration. [Applause.]

But it is not only organized labor that is against that immigration. It is every laborer in the United States who understands his rights and values his own interests. [Applause.] I have been a laboring man all my life. In my youth I worked as a hired hand on a farm [applause], and there is no harder work that I know of among men. I am as proud of that as of having been elected to Congress eight times. [Loud applause.] It is just as essential a fact in my history that men may understand my conduct here and elsewhere.

The gentleman from Iowa says that he does not believe that one-tenth of the people in California are really at heart opposed to Chinese immigration, and he does not believe that one-tenth of the people of the United States are opposed to it. Now, it happened that I served six years on the Committee on Foreign Affairs of this House, and we had hearings on the last Chinese-exclusion bill that we passed. They were remarkable hearings. All classes of people, from the man who is going to be President for the next four years down to common laborers and scrub women, testified.

The Caucasian race from the dawn of history has been the dominant race of the world; it is yet, and always will be as long as any of us are left. [Applause.] We have furnished the world with its greatest soldiers, its most renowned statesmen, its foremost men in literature, art, finance, commerce, and business. We claim to be superior to everybody in everything. There is one mistake in that proposition. There is one thing that by reason of centuries of training and by disposition we are unable to do. We can not compete with the Chinese in the matter of starvation. [Loud applause.] If you let them in here ad libitum or even in large numbers, they will starve our laborers out. The gentleman from Iowa, Colonel HEPBURN, says that 500,000 Chinese laborers can be absorbed into the labor of the United States at this time. It is currently reported that there are millions of Americans out of employment in this country to-day. The gentleman from California [Mr. HAYES] says that 22,000 stand in bread lines in San Francisco alone. I would rather see 500,000 men and women of my own blood absorbed in the labor of this country. [Loud applause.]

I want to state just this one fact; I wish I had time to state a good many more: The first time I ever saw Judge Taft was during those hearings on the Chinese bill. He was then governor-general of the Philippines. One of the questions considered by the committee in regard to that bill was whether we should shut them out of the Philippines. Judge Taft appeared, and that was the first time I ever saw him, and I have had the highest opinion of him ever since. Among other things we asked him was whether they should be shut out of the Philippines, and he said "Yes." We asked him why, and he said: "Put a white man down in one shop, a Filipino in another, and in between them a Chinese in a shop, and in twelve months the Chinaman would starve them both out of business." [Applause.] We told him it had been stated before the committee, what we considered almost incredible, that a Chinaman could live on 2 cents a day.

We asked him about that, and he said:

If you will set him down to the same table at which you sit he will eat as much as you—perhaps more—but if the Chinaman had to live on 2 cents a day he could do so.

We asked him what he would live on. He said:

Rice and a little dried fish.

Mr. Chairman, we can not do that. In such a contest we would go to the wall. Therefore I am in favor of shutting out this whole horde of Asiatics and Africans. Shut out all immigrants except people of the white race. There is no sense in creating racial troubles.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. HARRISON. Mr. Chairman, I heard with amazement the remarks of the gentleman from Iowa on the subject of Chinese exclusion. It is evident that he has never come into contact with the Chinese and other Asiatics in the United States. He lives out there in Iowa, where I dare say they do not see a Chinaman once within a moon's age. But I have lived in California for months at a time, and from my personal observation of the people of the Pacific coast and from my personal observation of this question out there I want to corroborate what the gentleman from California [Mr. HAYES] has just said. I want to tell the gentleman from Iowa that, in my opinion, he has entirely missed the crux of this matter. I think that he will find that the people of the United States are a unit in demanding that this bar shall not be taken down and that our labor markets shall not be flooded with the hungry millions of the Orient.

But there is another question involved in this matter, and I refer not only to the Chinese, but to the Japanese as well. The question of the white civilization is at stake. If the gentleman from Iowa and his family and the families of his neighbors were surrounded by colonies of Orientals, differing from our race in every essential which forms a line of cleavage between the white and yellow races, if he were surrounded by bands of people who were lowering the standards of living and were depriving the American people of the opportunity to make a living, who were driving home hideous ideas to which our people are strangers and for which they will not stand, then, I say, he would understand, as some of the rest of us understand, the real meaning of the Chinese and Japanese questions.

Mr. Chairman, in its sum it is nothing more or less than our assertion of our rights to preserve the white civilization. [Applause.] I have served for two years on the Committee on Foreign Affairs. I do not know whether I shall be on that committee in the next Congress or not. In this Congress there was no question before us of Japanese exclusion; but I want to say to this House that if I am a member of that committee in the next Congress, and a question of Japanese exclusion comes before our committee, I, for one, will vote for it, in the interest of the preservation of our institutions and our white civilization. [Applause.]

Mr. HEPBURN. Mr. Chairman, I am sorry gentlemen have become so agitated over this matter that they can not even state properly the suggestions that I have made. I have not suggested to anybody the idea of allowing California to become overrun by oriental hordes. I have not suggested a thought that looked like making the Oriental dominant over the Caucasian. My suggestion was that 500,000 Orientals engaged in domestic service would displace no Americans. I affirm it. I say that all over this land there are women compelled to do their own domestic drudgery because they can not secure domestic servants; and I submit to the gentleman that I, too, have heard Californians—not politicians, not gentlemen catering to organized labor—discuss this subject in their homes, extolling the virtue of the Chinaman in their kitchen, declaring their unwillingness to allow him to depart, and insisting that there were still in California thousands of vacant homes ready to welcome his advent.

My proposition is that these vacant places in American homes should be filled by the competent Chinaman, content to do domestic service, and that he should be permitted to come and to remain so long as he is willing to fill that want. That is my proposition, gentlemen. Please do not distort it. Do not conjure up in your affrighted fancy ghosts that I have never suggested.

The gentleman tells us that the Caucasian race has always been dominant. Ah, that depends upon the theater in which you find the Caucasian race. Has the Caucasian race ever been dominant over the 400,000,000 of Chinamen, over the 200,000,000 of India, over the 50,000,000 of Japan, over the millions, I do not know how many, of the seas? Oh, no. When you make that statement you must confine yourself to Europe, to a little portion of Asia, and to our own continent.

Mr. CLARK of Missouri. Will the gentleman allow me to ask him one question?

Mr. HEPBURN. I am not sure now that I could answer it.

Mr. CLARK of Missouri. Do you not know that 70,000 Englishmen hold in subjection this very day 300,000,000 East Indians?

Mr. HEPBURN. I know that apparently the British Empire is dominant to-day over the East Indians. But I know that every newspaper we read tells us of the mutterings of discontent. Every prophecy that we read points to a future when

these people shall emancipate themselves and assert their rights; and I have no doubt but that the great question of statesmanship now confronting the British ministry for solution is how they shall keep the peace, how they shall be able to assert still longer their dominion over India.

Mr. Chairman, I am as much intent upon the supremacy of the Caucasian race as is anyone. I want no amalgamation; I want no pollution of our blood; I do not want even pollution of our citizenship. I have been one of those who, during all the years, have fought here for greater barriers, for greater protection, against the horde of immigrants that come here and occupy places in our labor field. I am pleading for the coming of those who do not displace anyone, for those who will fill vacant places, and not displace those that are now in place. [Applause.]

The CHAIRMAN. The time for all debate has expired, and the Clerk will read.

The Clerk read as follows:

For the expenses of the commission provided for in section 39 of the act of February 20, 1907, including the salaries of the commissioners and their clerks and other employees, $300,000.

Mr. MURDOCK. Mr. Chairman, I make a point of order to that.

The CHAIRMAN. Does the gentleman from Kansas wish to be heard on the point of order?

Mr. MURDOCK. Mr. Chairman, this commission hitherto has been paid out of a permanent indefinite fund. This is the first time it has been carried in this bill. It is legislation upon an appropriation bill, and it is clearly out of order.

Mr. SMITH of Iowa. Mr. Chairman, the law of February 20, 1907, authorized the payment of these expenses, as stated, out of the permanent appropriation of head tax. The Department of Commerce and Labor estimates the expenses of this commission for the next fiscal year at $300,000, and the permanent appropriation of the head tax being repealed by the previous language of this bill the committee deemed it its duty to bring in an item covering the $300,000 estimated for. I call attention to the following portion of the hearings referring to this subject:

Mr. FITZGERALD. Can you tell how much was drawn during the fiscal year?

Mr. SMITH. We would like to know how much this has cost from the beginning up to date.

The CHAIRMAN. Can you state the aggregate for the record?

Mr. SOLEAU. The entire sum, Mr. Chairman, advanced on warrants to the Immigration Commission, from its organization to December 31, 1908, was $304,140.02, and there is a memorandum on my desk from that commission saying that during the balance of the current fiscal year they would require $150,000, making a grand total from date of organization in the spring of 1907 to June 30, 1909, of $454,140.02. Of that sum, $303,462.88 is chargeable to the fiscal year 1909, provided they have no unexpended balance at the close of the current fiscal year.

The CHAIRMAN. The Chair desires to ask the gentleman from Iowa what is the act of February 20, 1907?

Mr. SMITH of Iowa. It is the immigration law, and in that law, as the Chair will remember, there was originally an educational clause, and a section was substituted for that providing for this investigation.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15681. An act for the relief of the Compañía de los Ferrocarriles de Puerto Rico.

H. R. 24834. An act for the protection of the surface rights of entrymen.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.

SENATE BILLS REFERRED.

Under clause 2, 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. 9454. An act granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors—to the Committee on Invalid Pensions.

S. 9373. An act to provide for the sale of isolated tracts of public land in Imperial County, Cal.—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 9017. An act for the establishment of a subport of entry at Ranier, Minn.

S. 7378. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton and Gulf Railroad Company.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 26305. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1910, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 27139. An act to provide for the sittings of the United States circuit and district courts of the northern district of Ohio at the city of Youngstown, in said district;

H. R. 26068. An act providing for an additional judge for the western district of Pennsylvania, and for other purposes;

H. R. 15230. An act to amend an act approved February 28, 1901, entitled "An act relating to the Metropolitan police of the District of Columbia;

H. R. 18694. An act relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama;

H. R. 20111. An act to amend an act entitled "An act to establish a Code of Law for the District of Columbia," relative to gambling, bucket shops, and bucketing; and

H. R. 25155. An act to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

HARRY KIMMELL.

Mr. HUFF. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The Clerk read as follows:

House concurrent resolution 71.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 17214) for the relief of Harry Kimmell, a commander on the retired list of the United States Navy.

Mr. MANN. What is the bill?

Mr. HUFF. The resolution asks the President to return a bill.

Mr. MANN. This is the third or fourth bill that we have asked to be returned. What is the matter?

Mr. HUFF. Nothing is the matter with this bill.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The resolution was agreed to.

DISTRICT JUDGE FOR WESTERN DISTRICT OF WASHINGTON.

The SPEAKER laid before the House the bill (H. R. 27061) to provide for the appointment of an additional district judge in and for the western district of Washington, with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House disagree to the amendments of the Senate and ask for a conference.

Mr. MANN. I shall object, if there is to be a conference. The only motion should be to disagree.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the House disagree to the Senate amendments and ask for a conference.

Mr. MANN. I shall object.

Mr. JENKINS. Then I will ask unanimous consent that the House disagree to the Senate amendments.

Mr. MANN. Mr. Speaker, reserving the right to object, this creates an additional judge for the district of Oregon. It has not been considered by the House, and of course it is subject to the point of order of being considered in the Committee of the Whole House on the state of the Union.

Mr. JENKINS. Mr. Speaker, if the gentleman will permit, I will say that the committee has been wrestling with this matter for the last two days, and the committee is unalterably opposed to the creation of this new judgeship, and has been doing the very best to allow the bill for the additional judge in Washington to pass and at the same time defeat this.

Mr. MANN. The easiest way to defeat this is to disagree to the Senate amendments, and not to ask for a conference.

Mr. JENKINS. We are now asking that the House disagree to the Senate amendments.

Mr. MANN. The gentleman said he asked for a conference.

Mr. JENKINS. We are not asking for a conference.

Mr. MANN. The gentleman said he asked for a conference, I understand. The gentleman from Washington informed me that there would be no request for a conference, as I understood it.

The SPEAKER. The Chair understands the gentleman from Wisconsin asks that the House disagree to the Senate amendment. Is there objection?

Mr. MANN. Is that to be followed by a motion for a conference?

Mr. JENKINS. No.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection.

SURFACE RIGHTS OF ENTRYMEN.

The SPEAKER laid before the House the bill (H. R. 24834) to protect the surface rights of entrymen, with Senate amendments thereto.

The Senate amendments were read.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed the following conferees: Mr. MONDELL, Mr. VOLSTEAD and Mr. ROBINSON.

The SPEAKER. The committee will resume its sitting.

SUNDRY CIVIL APPROPRIATION BILL.

The CHAIRMAN. A point of order is pending. Has the gentleman from Kansas anything further to say on the point of order?

Mr. MURDOCK. Nothing further, except what I did say. The expenses for the Immigration Commission have previously come out of a permanent indefinite fund, for which there has been no accounting to any other than the auditor. There has been no appropriation in current appropriation bills for this commission. Consequently and clearly when this item in this bill carries an appropriation for those expenses, it is legislation upon an appropriation bill and out of order under the rules.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the question?

Mr. TAWNEY. Mr. Chairman, I have no desire to be heard further than to repeat what the gentleman from Iowa [Mr. SMITH] has already said, that this commission is authorized by law, and the amount available for expenses as authorized by the bill creating the commission is to be paid out of a permanent indefinite fund. That has been repealed, and if this changes the existing law so as to make it impossible to appropriate for it, why, there would be no appropriation for the commission, and it would go out of existence, which would not be a calamity, in my judgment, to the public.

Mr. MURDOCK. Mr. Chairman, it is not within the province of this House to determine whether this point of order puts the commission out of business or not. As I understand, the Chair's ruling will be based wholly on the point of order under the rules. I wish further to call the attention of the Chair to the fact that under the law as it now stands, if this bill should become a law as we have passed it, the head tax goes into the General Treasury.

The CHAIRMAN. The Chair would like to ask the gentleman from Minnesota why it is that this appropriation is carried in the sundry civil appropriation bill and has not been heretofore?

Mr. TAWNEY. It has not been heretofore carried, Mr. Chairman, for the reason that the law creating the commission, which I think the Chair has before it, specifically directs that the expense of the commission shall be paid out of the immigration fund, which is a permanent indefinite appropriation, and that expense is paid out upon the voucher of the chairman of the commission without audit by anybody.

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

Mr. TAWNEY. Yes.

Mr. MANN. Is it not true that under the existing law the expenses of this commission are required to be paid out of the permanent appropriation resulting from the income coming out of the head tax?

Mr. TAWNEY. That is a fact.

Mr. MANN. Is not this, then, a direct violation of that law proposing to pay this money out of the Federal Treasury out of the general fund?

Mr. MURDOCK. Surely.

Mr. TAWNEY. Well, it would be a change of existing law in my judgment.

Mr. MANN. I do not see how there can be any question but that this is subject to a point of order.

The CHAIRMAN. The Chair thinks it is subject to the point of order. In reading the act creating the commission which the present occupant of the chair held in order on the immigration bill, the Chair finds the following:

Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the immigrant fund.

The mere fact that the immigration fund has disappeared does not authorize an appropriation, and it is clearly a change of existing law. The Chair therefore sustains the point of order.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. AMES having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On February 24, 1909:

H. R. 2635. An act for the relief of Herman Lehmann;

H. R. 13777. An act for the relief of the estate of Samuel Beatty, deceased;

H. R. 18600. An act for the relief of John M. Hill;

H. R. 19606. An act to provide for the granting and patenting to the State of Colorado desert lands within the former Ute Indian Reservation in said State;

H. R. 22340. An act relating to injured employees on the Isthmian Canal;

H. R. 23699. An act to grant to John T. Rivett privilege to make commutation of his homestead entry;

H. R. 24373. An act to reimburse Royal L. Sweany, late deputy collector of internal revenue at Tacoma, Wash.;

H. R. 25396. An act for relief of applicants for mineral surveys;

H. R. 26516. An act authorizing Daniel W. Abbott to make homestead entry;

H. R. 26734. An act to permit change of entry in case of mistake of the description of tracts intended to be entered;

H. J. Res. 219. Joint resolution to accept the gift of Constitution Island, in the Hudson River, New York; and

H. J. Res. 241. Joint resolution to authorize the Secretary of War to furnish one condemned bronze cannon and cannon balls to the city of Robinson, Ill.

On February 25:

H. R. 3760. An act for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.;

H. R. 7029. An act for the relief of C. L. Huey;

H. R. 17276. An act for the relief of S. R. Hurley;

H. R. 23707. An act to incorporate the Imperial Palace Dramatic Order Knights of Khorassan;

H. R. 27311. An act amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.;"

H. R. 27894. An act amending "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; and

H. R. 24833. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Special examiners, division of naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Division of Naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, and for the actual necessary traveling expenses of the

officers and employees of the division of naturalization in Washington while absent on official duty outside of the District of Columbia, $150,000. A detailed report of the expenditures under the appropriations for this service shall be annually submitted to Congress at the beginning of each regular session thereof.

Mr. MANN. Mr. Chairman, I reserve the point of order on that paragraph. There has been a great deal of contention as to whether this work should be done by the Department of Justice or by the Department of Commerce and Labor. I made some investigation, not very extended, in the city of Chicago in regard to the matter, and came to the conclusion that while legally the work was now being carried on under the Department of Justice it was in fact being carried on by the Department of Commerce and Labor in unquestionably the most uneconomical manner that could be imagined. While in the Department of Justice they will not allow you to purchase a library, and it is difficult to get permission to buy a law book in this branch of the service, nominally under the Department of Justice, but really under the Department of Commerce and Labor, you can buy the finest kind of thing at any old time you please, without regard to cost or need.

Mr. TAWNEY. Mr. Chairman, on that proposition the criticism of the gentleman from Illinois in respect to the extravagance of this service may be just, but I do not agree with him that the responsibility for that extravagance is chargeable to the Department of Commerce and Labor. In a certain sense it is true that the examiners heretofore employed were taken from the other branches of the public service, and to some extent they are subject to orders from the Department of Commerce and Labor; but this service at the present time and ever since the service was inaugurated two years ago has been under the direct supervision of the Department of Justice, and the appropriation for that service has been made for that department. During all that time, too, there has been a controversy carried on in the Committee on Appropriations, and sometimes on the floor of the House, as to which one of these two departments is charged with the duty of administering our naturalization laws.

Now, after two years' experience, the Department of Justice acquiesced in the desire of the Department of Commerce and Labor, and also in the desire of the Committee on Appropriations, to transfer the entire jurisdiction and control in the matter of the administration of our naturalization laws to the Department of Commerce and Labor, and for that purpose we have dropped the appropriation heretofore made for this purpose under the control of the Department of Justice and have transferred that appropriation to the Department of Commerce and Labor, and we have also dropped entirely the employment of special attorneys, or assistant United States district attorneys, for the enforcement of this law and provide only for the employment of examiners.

Mr. FINLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota yield?

Mr. TAWNEY. In just a moment. The opportunity for the extravagance to which the gentleman from Illinois calls attention is in the wording of this paragraph which the Committee on Appropriations discovered, I think at the last session, was being interpreted so as to admit of almost any expenditure. When this appropriation was originally made for the enforcement of this law under the administration of the Department of Justice, we accepted the language of the paragraph as prepared by the department, which is as follows:

For the payment of assistants to the Attorney-General and of assistants to United States district attorneys employed by the Attorney-General to represent the United States in naturalization and other proceedings, and for other necessary expenses.

When that language was written in the appropriation act it was with the understanding on the part of the committee that the words "and for other necessary expenses" referred only to the incidental expenses necessarily incurred by the assistant district attorney charged with the administration of this law.

We discovered, however, in the administration of the appropriation that the Department of Justice interpreted that language to mean any old expenses that they saw fit to charge up against the appropriation in the administration of this law, and under that provision they commenced employing not only assistant district attorneys, but special examiners, which I think was absolutely unwarranted and unauthorized. Nevertheless it depends altogether upon the interpretation which you put on the language "and for other necessary expenses." So after this administration has proved unsatisfactory and extravagantly expensive under the Department of Justice the committee has concluded to try the Department of Commerce and Labor, as some one or the other of these two departments must be charged with the duty of administering this law. I now yield to the gentleman from South Carolina.

Mr. FINLEY. Mr. Chairman, I wish to ask the chairman of the Committee on Appropriations does he think there will be more efficient administration of the law under the Department of Commerce and Labor than was under the Department of Justice?

Mr. TAWNEY. I have no reason to believe, so far as the administration of the law is concerned, it was inefficient. My criticism is that it has been very expensive, necessarily expensive, and I believe it will be more economically administered under the Department of Commerce and Labor than it was under the Department of Justice.

Mr. FINLEY. Does the gentleman think it will be as efficiently administered?

Mr. TAWNEY. I do.

Mr. FINLEY. Why?

Mr. TAWNEY. I believe it will be just as efficiently administered for this reason: The same men that are now employed in the administration of the law, with the exception of the assistant attorney, will be employed under the Department of Commerce and Labor. They will simply be transferred from one department to the other, and in the administration of this law, let me say to the gentleman from South Carolina, there is really no necessity for assistant district attorneys.

The evidence submitted to the committee on the part of the judges themselves commends the services of these examiners, and these examiners are merely aids to the courts in obtaining information with respect to the applicants and the truthfulness of their answers in their applications, and also the credibility of their witnesses and the competency of the same.

Mr. FINLEY. If I correctly understand the gentleman, he states that the administration of the law under the Department of Commerce and Labor will be the very same as to its personnel as it is under the Department of Justice. Is that correct?

Mr. TAWNEY. The gentleman misunderstood me.

Mr. FINLEY. I beg pardon. I understood the gentleman to say it would be the same.

Mr. TAWNEY. So far as the examiners are concerned, yes; but so far as the district attorneys are concerned, no.

Mr. FINLEY. Now, in what respect will it differ?

Mr. TAWNEY. There will be no attorneys employed in the administration of this law. There will be no offices maintained for district attorneys.

Mr. FINLEY. Now, does the gentleman think——

Mr. TAWNEY. That service is entirely unnecessary, as shown by the experience of two years' administration.

Mr. FINLEY. Does the gentleman think a law can be administered and enforced without the necessity for attorneys?

Mr. TAWNEY. Oh, certainly. No question about it at all.

Mr. FINLEY. Will the gentleman kindly explain why?

Mr. TAWNEY. Why, because there is not anything in connection with the administration of the naturalization law that requires an attorney, except in cases where the law has been violated, when, of course, prosecutions are necessary. This does not involve prosecutions.

Mr. FINLEY. To what extent will the service be more economically administered?

Mr. TAWNEY. The salaries of all these district attorneys will be one saving, and much of the furnishings of their offices, and their typewriters, and expenses of clerical services of that kind.

Mr. FINLEY. Now, that service will be performed by whom?

Mr. TAWNEY. Nobody. They do not need it.

Mr. FINLEY. No necessity for it?

Mr. TAWNEY. No; no necessity for it.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. TAWNEY. Yes, sir.

Mr. MANN. Does the gentleman think it is desirable to make this transfer?

Mr. TAWNEY. I do.

Mr. MANN. And make the experiment with it?

Mr. TAWNEY. I do.

Mr. MANN. Of course, this will only be for the next fiscal year?

Mr. TAWNEY. That is all.

Mr. MANN. And it is purely experimental?

Mr. TAWNEY. Yes, sir.

Mr. MANN. The item would be subject to a point of order hereafter, and there would be, in fact, no change of law?

Mr. TAWNEY. No.

Mr. MANN. So far as I am concerned, with that understanding, I will withdraw the point of order.

Mr. GAINES of Tennessee. Mr. Chairman, I want to renew the point of order. I desire to get a little information before we go along on this important matter, since it has come up.

I have listened to what has been said, and I now hold in my hand the report of the Attorney-General upon the subject, and I have asked myself this question, and I now submit it to the committee. Let us see now what we are doing, what we have done to-day, and are now about to do. First, we limited the Secret Service in the Treasury Department. That department has, I believe, the execution of the immigration law. Now, we have limited that. Last session we put this proposition into the hands of the Department of Justice, and we took away from the Department of Justice the secret-service system.

And the Department of Justice has been forced to create an inefficient service to execute the laws under the Department of Justice. In addition to that, only a few moments ago we appropriated $50,000, requiring no vouchers whatever, no receipt, no report, to be given to some other bureau, I do not know where, up in New York somewhere. As the gentleman from New York [Mr. BENNET] had charge of it, I presume it is to be located there. So we have still three divisions or three changes we have had here to-day in our force, it looks like, to get rid of the X-ray eye of that undesirable system we continue to have, to wit, the Secret Service. Now, it looks to me you are swapping horses too fast; you are inconsistent; and I submit—I do not mean to be a dyspeptic here; I do not mean to take up the time, but I say you are in a state of consternation. The secret-service system is not after us. They are welcome to be after me. I will be on hand.

Now, Mr. Chairman, I find in exhibit 18 of the Attorney-General's report of 1907 two large pages on the subject of the naturalization law. I have not time to read that, nor have I had time to read the report. Now, on page 14 I find Attorney-General Bonaparte says:

On June 29, 1906, the new naturalization law went into effect, the enforcement of which by provision on the sundry civil bill was attached to this office.

Mr. TAWNEY. Will the gentleman yield to a question?

Mr. GAINES of Tennessee. Yes.

Mr. TAWNEY. Are you aware of the fact that the Attorney-General of the United States himself consents to Congress that this transfer should be made?

Mr. GAINES of Tennessee. Well, I want to say to my friend that I do not bank very much on Mr. Bonaparte being a great lawyer.

Mr. TAWNEY. You are reading from his report.

Mr. GAINES of Tennessee. I am doing the best I can under a Republican administration. [Laughter.] I am doing the best I can under the light I have; but I knew nothing about it until the gentleman's amendment, which would show that we had three different roads provided by which to get rid of the secret-service system, clogging the wheels of the Department of Justice, and of the Treasury Department, and starting some other sort of cloggery over in New York with another system of secret service. Now, I am astonished at the gentleman from Minnesota, who is a strong man, who as a rule understands his business, should say that in the execution of the naturalization laws in the great cities of this country we do not need attorneys to prosecute and look after the cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I want about five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to have five minutes more. Is there objection?

Mr. COCKS of New York. I object.

Mr. GAINES of Tennessee. I move to strike out the last word. Then, Mr. Chairman——

Mr. MANN. Does the gentleman withdraw the point of order when he moves to strike out the last word?

Mr. GAINES of Tennessee. Of course I do.

The CHAIRMAN. Without objection, the Chair will recognize the gentleman.

There was no objection.

Mr. GAINES of Tennessee. Now, I find in the Attorney-General's Report for 1908, Exhibit 13, beginning at page 277 and running over to page 287, a statement showing the special assistants to United States attorneys, including assistant attorneys in naturalization cases and their compensation (as required by section 385 of the Revised Statutes). Here is a long list, gentlemen.

Mr. SABATH. In doing what?

Mr. GAINES of Tennessee. In enforcing the naturalization laws.

Mr. SABATH. In what way?

Mr. GAINES of Tennessee. I do not know; I am trying to find out. Now, right on that point, I am glad that the gentleman suggested that. Where is the Bureau of Commerce and Labor and its secret service enforcing the naturalization laws this year? It is a department of itself; it has its own secret service; the department itself has a secret service as well as the Secret Service of the Treasury, and has had one for many years.

Mr. FITZGERALD. Will the gentleman allow me to ask him a question to interrupt him?

Mr. GAINES of Tennessee. Yes; certainly.

Mr. FITZGERALD. The gentleman is entirely mistaken. Practically the entire business, so far as the exclusion of the Chinese is concerned, is taken care of by the secret agents, and not only by secret agents operating in this country, but for the purpose of carrying out the law secret agents operating in foreign countries.

Mr. GAINES of Tennessee. I am glad to know that, Mr. Chairman. Now, do you curtail this force under this bill?

Mr. FITZGERALD. No.

Mr. FLOYD. Will the gentleman allow me to ask him a question?

Mr. GAINES of Tennessee. Certainly.

Mr. FLOYD. What I want to know is this: If the administration of this law is given to the Department of Commerce and Labor, and they are not allowed attorneys to enforce it or these examiners who find out the violations of the law, how are you going to punish the violators?

Mr. GAINES of Tennessee. That is exactly it. The gentleman puts his finger right on it.

Mr. FITZGERALD. The district attorney——

Mr. GAINES of Tennessee. Oh, the district attorney does not even enforce the Sherman antitrust law. Now, here is a long list. I can not believe Attorney-General Bonaparte or any other man in charge of the Department of Justice would employ all these lawyers if they were unnecessary. Here are appropriations for assistant attorneys in naturalization cases, $8,107.59. Is that going to break the Treasury, when you have just appropriated $50,000 for a lot of people that you are so ashamed of that you will not take a receipt for the $50,000 when you give it to them? There is another appropriation for traveling expenses, $2,922. Here is an appropriation for the prosecution of crimes, $710.

So the gentleman in charge of the bill, instead of showing an enormous and oppressive expenditure on the part of the Department of Justice in this matter, could not show more than a comparatively small expense. It looks like about $18,000 to employ lawyers to go into the courts and follow up the naturalization of the people who come over here—the undesirable set—and to prevent a thing which I believe the gentleman from New York [Mr. BENNET] said he aided in doing—that is, the fraudulent naturalization of voters in the city and State of New York.

Mr. FITZGERALD. There are none in the city and State of New York.

Mr. GAINES of Tennessee. The gentleman from New York [Mr. BENNET] did not say that. I was very much surprised to hear what he did say.

Mr. FITZGERALD. I think his statement was facetious.

Mr. GAINES of Tennessee. I hope he made it facetiously. He did not look facetious when he said it, and he said it in reply to a question put to him by the gentleman from Kentucky [Mr. SHERLEY].

Now, I say we ought to have lawyers, and we ought to stop all fraudulent naturalization, whether done by Members of Congress or anybody else.

Mr. TAWNEY. I move that all debate on the second paragraph and amendments be closed in five minutes.

The motion was agreed to.

Mr. BENNET of New York. I rise for the purpose of agreeing very largely with the committee in its discretion which it has exercised this year. The naturalization law was passed in 1906, under the leadership of the gentleman from Colorado [Mr. BONYNGE]. It was the intention at that time to carry out the execution of the law in exactly the way that the Appropriations Committee now, after two years of effort on the part of some of us, has come to. However, the Attorney-General and the United States district attorney are not entirely eliminated, and will not be.

The law casts upon them a duty which they must discharge. In the large cities, like New York and Chicago and others, if that duty can not be discharged by the regular force of the United States district attorney's office they will have to hire additional assistants; but the work is now being done very largely by examiners who are hired under that part of the cur-

rent law which reads "Assistant to assistant to the district attorney." This simply puts the item right, gives them their correct title, puts the execution of the law where it ought to be; and I want to disagree with the gentleman from Minnesota to the extent of saying that in my judgment the law has been pretty well enforced; that it has stopped fraud, and that it is a good law, except for one proposition, which the next item in the bill will correct.

Mr. GAINES of Tennessee. Will the gentleman please tell us why you have had all these assistant attorneys, and why do you brush them away?

Mr. BENNET of New York. Because that was all we could get. The Committee on Appropriations gave us assistants to the assistant attorneys, and we took them.

The Clerk read as follows:

Payment to William Black: For payment of fee to William Black, informer against John Huggins, under the alien contract-labor law, being one-half of the penalty imposed and collected in Black's own case, $500.

Mr. COX of Indiana. I want to reserve a point of order against that paragraph, for the purpose of getting some information. I want to ask whether there is any general statute in force in the United States which authorizes a refund of a part of a penalty collected.

Mr. TAWNEY. The gentleman from New York [Mr. BENNET] is familiar with this provision. This grows out of the bill that has passed both Houses and is in conference now. The matter was framed up by certain members of the Committee on Appropriations and the gentleman from New York [Mr. BENNET] in my absence, and I am not familiar with the provisions.

Mr. BENNET of New York. Will the gentleman repeat his question?

Mr. COX of Indiana. I want some information on the paragraph between lines 11 and 22 on page 101. My question was whether there was any statute in force now which authorizes a refund of a part of a fine imposed under this law, particularly relating to the William Black case.

Mr. TAWNEY. I do not know whether I exactly understand the gentleman. I understood the gentleman was asking about the paragraph just read.

Mr. COX of Indiana. The one with reference to William Black.

Mr. TAWNEY. I thought it was the other paragraph.

Mr. COX of Indiana. The other relates to the same thing. What I want to know is whether there is any law in force that authorizes the payment of this appropriation?

Mr. TAWNEY. No law that authorizes the refunding of the money. This amount was erroneously collected by the agent of the Government from this steamship company.

Mr. MACON. But the gentleman from Indiana is talking about the item with reference to the William Black case.

Mr. COX of Indiana. Yes; that is the one I reserve the point of order to.

Mr. MANN. The law provides for the payment of one-half of the fine. The money has been paid into the Treasury, and there is no way of getting it out without an appropriation.

Mr. TAWNEY. This payment was made by William Black, who was an informer against one charged with having violated the alien contract-labor law.

Mr. COX of Indiana. William Black?

Mr. TAWNEY. Yes; and in consideration of the information which he gave, which information led to the conviction of the real parties guilty of the violation of the contract-labor law, one-half of his fine was remitted. That is the rule in the Department of Commerce and Labor.

Mr. COX of Indiana. If I understand the chairman of the committee correctly, this man William Black was also fined for a violation of the alien contract-labor law.

Mr. TAWNEY. He was.

Mr. COX of Indiana. Fined $1,000?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. Has that money been paid?

Mr. TAWNEY. Yes; and this is to refund one-half of it.

Mr. COX of Indiana. He has paid into the Treasury $1,000?

Mr. TAWNEY. That is what I understand.

Mr. COX of Indiana. And it is proposed to pay back one-half of that fine?

Mr. TAWNEY. Yes; in consideration of his having furnished the information to this Government whereby the other man was convicted. We have a similar statute in the Treasury Department, where the item is called payment of certain moieties. It is paid out by the officer of the Treasury Department for information furnished the department by individuals in regard to smuggling, which information is essential, and without which it would be impossible for the department to proceed with the prosecution in many cases. So it is essential, especially, as I am informed, in enforcement of the alien contract-labor law.

Mr. COX of Indiana. And the same explanation applies to the next item?

Mr. TAWNEY. Yes.

Mr. SULZER. I understand these fines have been paid into the Treasury, and the only way this man can get the money due him is by this appropriation?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. I withdraw the point of order.

Mr. BARTLETT of Georgia. I would like to ask the chairman a question. This provision states that it is one-half of a fine in his own case. Under the law, is the informer entitled to one-half of the fine of the person that he informs against? I take it for granted that in the other case he was entitled to one-half of the penalty in that case. Now, you propose by this to give him also one-half of the fine in his own case?

Mr. SULZER. That is the way the bill reads.

Mr. TAWNEY. That is the fact. He pleaded guilty and then turned State's evidence, which enabled the Department of Justice successfully to prosecute others who are believed to be guilty of a violation of the law, and in consideration of that fact one-half of his fine is to be remitted.

Mr. BARTLETT of Georgia. Yes; but the question I ask the gentleman is whether under the law he would be entitled to one-half of the fine as informer in these other cases?

Mr. TAWNEY. There is no law governing these cases. There is a law governing the Treasury cases. That is a different statute entirely. This is absolutely a matter of faith, a matter of carrying out the good faith of the district attorney who wanted to obtain the information and induced the party to turn States evidence, which he did, and furnished the testimony that enabled the Government to secure a conviction in the other cases.

Mr. COX of Indiana. Will the gentleman yield? I think I can call his attention to a statute on the subject.

Mr. TAWNEY. If there is a statute, then I have been misinformed.

Mr. COX of Indiana. United States Statutes at Large, volume 25, page 576:

That the act approved February 26, 1885, entitled "An act to prohibit the importation and immigration of foreigners and aliens under contract or agreement to perform labor in the United States, its territories, and the District of Columbia" be, and the same is hereby, amended so as to authorize the Secretary of the Treasury to pay to an informer who furnishes original information that the law has been violated, such a share of the penalties recovered as he may deem reasonable and just, not exceeding 50 per cent, where it appears that the recovery was had in consequence of the information thus furnished.

Mr. TAWNEY. Well, there were no penalties recovered in this case. This man paid his own fine.

Mr. BARTLETT of Georgia. In other words, he informed against people and did not convict them, and he was the only person convicted.

Mr. TAWNEY. No.

Mr. FITZGERALD. My recollection is that in the four cases a fine of $1,000 each was made and $4,000 collected.

Mr. COX of Indiana. Black informed against Huggins.

Mr. FITZGERALD. Huggins. He is the person in one of the prosecutions whose employment was in violation of law.

Mr. COX of Indiana. And the Government could not convict Huggins without Black's testimony.

Mr. FITZGERALD. And the Government collected $4,000 in fines.

Mr. SULZER. Can the gentleman tell us from what country this man came?

Mr. FITZGERALD. No.

Mr. SULZER. Well, he has been sent back, has he not?

Mr. FITZGERALD. I do not know.

Mr. SULZER. And the chances are he will never get a dollar of this money.

Mr. TAWNEY. Mr. Chairman, I will read the testimony of Mr. Soleau:

Mr. SOLEAU. We needed information in addition to what they had to secure a conviction, according to the United States attorney. This man turned states evidence, and by his doing so we secured the conviction which resulted in collecting $4,000, which is now in the Treasury.

Mr. SMITH. Was Black himself fined?

Mr. SOLEAU. He turned states evidence, but they fined him just the same.

Mr. SMITH. They fined him $1,000?

Mr. SOLEAU. Yes, sir. There were four who were fined $1,000 each, and we want to give Black half of his fine by reason of his testimony.

Mr. SMITH. The fines have been paid in full?

Mr. SOLEAU. Every dollar has been covered into the Treasury. There is a practice, based on an act of Congress, which provides that informant may be given something for informing, but we have no appropriation for that purpose.

Mr. CAMPBELL. May I ask the gentleman a question? In what State did this prosecution take place?

Mr. TAWNEY. I do not know.

Mr. CAMPBELL. Was there any information brought to the attention of the committee, if it was in a State that protects contract labor?

Mr. TAWNEY. I will recall the answer that I made just now, and say that the prosecution was in the southern district of the State of New York.

Mr. CAMPBELL. Now, if this prosecution had been in a State that permits contract labor, what would have been the attitude of the authorities of the United States?

Mr. TAWNEY. They would have had to enforce the United States law.

Mr. BONYNGE. But there is no State that admits contract labor. This is a federal statute that prohibits contract labor.

Mr. CAMPBELL. Oh, there are States that do permit contract labor.

Mr. BONYNGE. They can not enforce contract labor in the United States because a federal statute prohibits it.

Mr. CAMPBELL. I am now talking about state laws. I understand this is a federal statute. The prosecution of this case occurred——

Mr. TAWNEY. On account of the violation of the federal law.

Mr. CAMPBELL. Whether it occurred in the jurisdiction where the laborers had been imported under a state law that permitted contract labor to be brought in.

Mr. HUGHES of New Jersey. There is no such state law.

Mr. CAMPBELL. Virginia permits their being brought in.

Mr. NORRIS. That would not relieve them from the operation of the federal law.

Mr. CAMPBELL. I understand that. I was simply laying foundation to ask whether or not the question had been raised.

Mr. SULZER. The most important part in this matter is whether this man Black has been sent back to the place from which he came, and if he has gone back there, whether he will ever get a cent of this money if it is appropriated.

Mr. KEIFER. He never will get it until it is appropriated.

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

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Payment to Thomas Windridge and others: To pay to Thomas Windridge, James Greenwood, William Cameron, and Robert Jones, for information furnished that led to the conviction of the Allis-Chalmers Company for importing aliens under contract from England in violation of the immigration laws, for which a fine of $4,000 was imposed and collected, $500 each, $2,000.

Mr. FINLEY. Mr. Chairman, I reserve the point of order on this paragraph. I would like to ask what is the necessity of bringing this claim here in this manner?

Mr. TAWNEY. Simply because the Department of Commerce and Labor have no appropriation out of which to pay the amount that is due under the statute for information obtained under which convictions are secured.

Mr. FINLEY. But allowances like this ought to be paid out of receipts from the immigration fund.

Mr. TAWNEY. Paid out of what fund?

Mr. FINLEY. Receipts from the immigration fund.

Mr. TAWNEY. They can not.

Mr. FINLEY. This is not an expense incurred in the administration of the law?

Mr. TAWNEY. This is an expense incurred in the administration of the alien contract-labor law.

Mr. FINLEY. And has no relation, then, to fees received from immigrants coming into this country?

Mr. TAWNEY. It is not material whether they should be paid out of that fund or not, as there is no money in that fund.

Mr. FINLEY. What has become of that fund?

Mr. TAWNEY. It is exhausted. In order to save time, I will refer the gentleman to the very voluminous statement as to the expenditures that have been made out of this fund, and I would refer him to the hearings, where he will get much more accurate and better information. I will say to the gentleman it is due to the action of Congress in authorizing expenditures for this service out of this fund, like the construction of an immigration station at a cost of a quarter of a million dollars in Philadelphia and another one somewhere else, and then the enforcement of the naturalization laws—all of that comes out of that fund; then the legislative immigration commission, that have expended in the neighborhood of $300,000, I think, until to-day the fund is not only exhausted, but we have under consideration a deficiency estimate of $500,000 to meet the expenses of the administration of the immigration laws during the remainder of this fiscal year.

Mr. FINLEY. One other question. This is an ordinary claim against the Government, is it not?

Mr. TAWNEY. No; it is not.

Mr. FINLEY. Well, in what respect does it differ from such a claim?

Mr. TAWNEY. It is a statutory obligation.

Mr. FINLEY. Are not many bills to cover claims of this character introduced here and referred to the Committee on Claims?

Mr. TAWNEY. Well, this will not be referred to the Committee on Claims, because it is an ascertained amount, and the liability of the Government is a statutory liability, and the only reason they are here is the department has no appropriation from which the obligation could be paid.

Mr. FINLEY. I understand the gentleman that heretofore there has been an appropriation out of which the department could pay such claims.

Mr. TAWNEY. No; we make specific appropriations in each case.

Mr. FINLEY. I withdraw the point of order.

The Clerk read as follows:

Bureau of Standards: Toward procuring a testing machine, to cost not exceeding $150,000, and for services in connection therewith, for the determination by the Bureau of Standards of physical constants and the properties of materials as authorized by law, $50,000, to be immediately available.

Mr. PERKINS. Mr. Chairman, I reserve the point of order so as to get information in regard to this $150,000 testing machine.

Mr. TAWNEY. Mr. Chairman, Congress at the last session directed that the so-called "Emery testing machine," which was established many years ago at the Watertown Arsenal, Mass., should be transferred from the Watertown Arsenal, in that State, to the Bureau of Standards. In making the transfer, however, it was omitted to provide for the transfer of the appropriation for the operation of the machine which had been made at Watertown.

Owing to that fact and the fact that there was no appropriation for the operation of the machine here, by agreement between the two departments the machine remained at Watertown, or was allowed to remain there until this session of Congress, but at this session of Congress information or testimony was had by the head of the Bureau of Ordnace in the War Department as to the necessity of retaining a testing machine at the Watertown Arsenal. The chief of that bureau, knowing that the law directed that this machine be removed from Watertown to the Bureau of Standards, submitted an estimate of $125,000 for a new testing machine at the Watertown Arsenal.

Mr. PERKINS. What is this testing machine—what is its exact work?

Mr. TAWNEY. If the gentleman will let me finish my statement——

Mr. PERKINS. Certainly.

Mr. TAWNEY. Which explains why this is here, and rather than go to the expense of bringing that machine down here and providing for the construction of a new machine up there we concluded the best plan would be to provide for a new machine here, and provide for a machine of a little larger capacity than the Emery machine, and also provide for a machine which would be a compression machine as well as a tension machine.

This machine at the Watertown Arsenal, as well as the machine authorized here, is a machine that tests the tensile strength of metals of all kinds.

Mr. MANN. Not only metals, but everything.

Mr. TAWNEY. Testing the tensile strength of metals and all materials of that kind. And the machine is so finely constructed that it will accurately measure the tensile strength of a horse hair, or a shaft 6 inches thick, or 10 or 20 feet long, or as long as the machine itself. This machine is not the combined machine. It merely tests the tensile strength. The machine authorized here will be a combined machine, combining the tensile test and also the testing of compression strength. The capacity will be 1,000,000 pounds tensile and 2,000,000 compression strength.

Mr. PERKINS. This machine costs $125,000?

Mr. TAWNEY. One hundred and fifty thousand dollars.

Mr. PERKINS. Is this work of testing done on material belonging to the Government, or is it done on material that is furnished by private parties?

Mr. TAWNEY. The cost of the testing heretofore done on this machine at the Watertown Arsenal, outside of the government service, was charged to the individual that had the testing done, and it is intended to do the same with the testing of material outside here at the Bureau of Standards. As the

Bureau of Standards is now doing on all outside of scientific work, it is charging the cost of that work to the person for whom the work is done.

Mr. PERKINS. And that goes into the General Treasury?

Mr. TAWNEY. That goes to the credit of the general fund in the Treasury of the United States.

Mr. AMES. I would like to ask the gentleman a question.

Mr. TAWNEY. Certainly.

Mr. AMES. Where is it proposed to reinstall this Watertown machine?

Mr. TAWNEY. At the Bureau of Standards in the city of Washington.

Mr. AMES. Has not the Bureau of Standards four machines for testing purposes and now constructing a fifth?

Mr. TAWNEY. They have a number of machines for testing, but they have no machine that meets the requirements of their service in respect to the testing of large members of various kinds of construction.

Mr. AMES. Well, does the gentleman think, or has it been claimed, that this machine of 2,000,000 pounds capacity would test a chord of a large structure?

Mr. TAWNEY. It is estimated that it will. I concede, Mr. Chairman, and will say to the gentleman from Massachusetts [Mr. AMES] that recently there has begun an agitation among the engineers of this country in favor of a 10,000,000-pound *testing* machine and also compression machine. Now, some day undoubtedly this agitation will succeed. The Government will doubtless embark upon the enterprise of authorizing the construction of a machine of that capacity.

For myself, I do not think we have reached the point yet where the Government needs a testing machine of that capacity. But this machine I do believe is necessary, for the reason that there is greater activity in scientific investigative tests all over the country, not only by the Government, but by individual manufacturing establishments. Now, in order to meet the requirements of the engineering world, we ought to have a testing machine, not only one that will test the tensile strength of structural material, but also of compression strength, of a larger strength, of a larger capacity than the one at Watertown.

Mr. AMES. I understand that the Watertown machine tests both tensile and compression strength. I have worked at it, and I know. You are also constructing at present a 10,000,000-pound machine?

Mr. TAWNEY. That is exclusively a hydraulic compression machine, which was never authorized by law.

Mr. AMES. You have one now in Washington that will test up to 600,000 pounds compression or tension. Would you think we ought to erect this 150,000-pound machine?

Mr. TAWNEY. Where is the one with 600,000 pounds?

Mr. AMES. In Washington.

Mr. TAWNEY. Under what bureau?

Mr. AMES. The Bureau of Standards. I will refer to the hearings on the sundry civil appropriation bill. Director Smith says there are four machines—one of 200, one of 600,000, one a 10,000,000-pound machine—under construction, and so forth.

Mr. TAWNEY. The gentleman is talking about the Geological Survey.

Mr. AMES. There is no 600,000-pound testing machine in Washington?

Mr. TAWNEY. That is in the Geological Survey.

Mr. AMES. I asked if the Bureau of Standards had not some. I thought they had them here.

Mr. TAWNEY. I mean they have small machines for testing instruments and that sort of thing.

Mr. AMES. The Government has a 600,000-pound machine.

Mr. MANN. At Watertown.

Mr. TAWNEY. The Government has an 800,000-pound machine at Watertown.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman from Minnesota a question.

Mr. TAWNEY. Just one moment; I want to say in reference to this, that we were informed by the Chief of the Bureau of Ordnance that whether the estimate was allowed for the construction of this machine or not, it would be built out of some other appropriation. So we concluded to appropriate for it rather than have the old machine down here.

Mr. BUTLER. Is there not some other way to compel him to build it than build it out of some other appropriation?

Mr. AMES. Mr. Chairman, I want to ask the gentleman this——

The CHAIRMAN. The gentleman has yielded to the gentleman from Texas.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman, as I did not have the good fortune to hear all of his statement, having been called out, whether he has anywhere stated to the committee whether the Bureau of Standards has in any way made good its original claim that if it were founded and equipped it would have earnings sufficient if not to meet all, practically all, of its expenses? I observed that they have buildings and equipments of more than $880,000, and they are calling on Congress to buy a lot more land on which I presume they are to erect additional expensive buildings. I would like to know something about that.

Mr. TAWNEY. My recollection is the earnings of the Bureau of Standards for the fiscal year 1908 were in the neighborhood of $24,000. Of course, the gentleman from Texas must bear in mind that the work of the Bureau of Standards has been progressive. That is, they started in on a very small scale, and the demand for their work is greater than they have been able to meet, because of the restrictions under which they operate.

The Bureau of Standards is the only scientific bureau of the Government that is not operating under a lump-sum appropriation. The Bureau of Standards must submit detailed personal, incidental, and other expenses in their estimates, while the other scientific bureaus have lump-sum appropriations, and, of course, are able to advance more rapidly, especially when they do their work for nothing for the public.

Mr. SLAYDEN. I would like to ask the gentleman if he really believes that these large and increasing appropriations for the Bureau of Standards are of real practical benefit or really justified?

Mr. TAWNEY. I do. I believe that the Bureau of Standards, of all the scientific bureaus of the Government, is the best; and it is no pet of mine at all, because when I first commenced work on the Committee on Appropriations I confess that I was more or less prejudiced against the bureau, but after a careful investigation and study of the work of that bureau I regard it as the most valuable of all the scientific bureaus in connection with our Government.

It was my hope at the last session of Congress, when we authorized or requested the Academy of Sciences to investigate all of this scientific work on the part of the Government and to make a report with a view to consolidating in some one bureau all that work that could be consolidated, that we would have at this session of Congress a report from that eminent scientific organization that would enable us to legislate upon the subject. I regret exceedingly the report does not give us any information or any data upon which we can formulate legislation for the consolidation of this work.

Mr. SLAYDEN. Mr. Chairman, I want to say that I have great respect for the judgment and sincerity of the chairman of the committee, and really I ordinarily accept his statement about these matters, and I do in this case; but I have not been able to comprehend the necessity of these extraordinary expenditures for the Bureau of Standards. There are other appropriations made for scientific branches of the Government that come nearer to me, the work of which and the meaning of which I comprehend, one of which my friend from Minnesota has vigorously assailed from year to year. I have seen the good influence and good effect of that work, and I hope that he will go as far in extending the work done for the examination and testing of fuels as he has in the examination and testing of the tensile strength of structural material examined in the Bureau of Standards.

Mr. AMES. I should like to ask a question.

Mr. TAWNEY. I yield to the gentleman from Massachusetts.

Mr. AMES. Is it not a fact that the Quebec bridge failed, not through any want of care or fault of design or construction, according to the standards and customs of bridge builders, but because they never had an opportunity of testing a built-up chord? Now, you have an 800,000-pound machine here. Why start in and waste $150,000 on a 2,000,000-pound machine when that is not anywhere near large enough to test a full-grown chord? Why not let this $150,000 machine go by, and let us wait until Congress can afford to build a machine large enough to test a full built-up chord, a ten or fifteen million pound machine? Having an 800,000-pound machine, you can get all the tests, practically, that you could have with a 2,000,000-pound machine by reducing the size of the prisms tested, but you could not possibly reduce the size of a built-up chord for the purpose of testing a full-grown chord.

Mr. TAWNEY. Mr. Chairman, I realize the disadvantage under which a blacksmith labors when he undertakes to answer questions propounded by a skilled and educated engineer. That is my embarrassment at the present time. I know, of course, that there is no machine in existence to-day of sufficient capacity to test the members of the bridge referred to by the gentleman, which was destroyed at Quebec, and resulted in great loss of life, as I understand; but I do not know that the time

will ever come when it will become necessary to test the members of structures of similar size to those that were used in the construction of that bridge. I believe that a 2,000,000-pound testing machine will come nearer meeting the practical demands of the engineering world to-day than we are now able to meet those demands. For that reason I think we ought not to go any further than is necessary for that purpose. It may be necessary later on to build a larger machine.

I do not say that it will not be; I may be in error, but in that case I submit that if we have a 10,000,000-pound testing machine, the cost of its operation and maintenance for tests which could be made by a 2,000,000-pound machine would be so much greater that there would be economy in having a 2,000,000-pound testing machine, even if we have the 10,000,000-pound machine also.

Mr. AMES. I understand that your 10,000,000-pound testing machine under construction would cost some $32,000.

Mr. TAWNEY. No; I am talking about the new machine, the Emery machine, which the engineering world to-day is so much interested in.

Mr. AMES. I understand this new machine you are building at a cost of $32,000, to test up to 10,000,000 pounds compression, would not have even one-quarter of the necessary capacity to have tested one of the chords of the Quebec bridge.

Mr. TAWNEY. I do not think you could test that at all.

Mr. AMES. I say, it would not be a quarter enough. So you see a 2,000,000-pound machine would not carry you any nearer than an 800,000-pound machine.

Mr. TAWNEY. Could you test the chords of the Quebec bridge at all in a compression machine?

Mr. AMES. Oh, yes; indeed.

Mr. TAWNEY. I did not know you could test the tensile strength in that way.

Mr. DOUGLAS. Will the gentleman allow me to ask him a very simple, unscientific question?

Mr. TAWNEY. Yes; but if the gentleman has any scientific question to ask, I refer him to the distinguished engineer from Massachusetts instead of "the gentleman from Minnesota."

Mr. DOUGLAS. What is the objection to bringing back to Washington the Watertown machine and putting it in the Bureau of Standards, where it was?

Mr. TAWNEY. The gentleman is mistaken.

Mr. DOUGLAS. In what respect?

Mr. TAWNEY. The testing machine at Watertown has never been here.

Mr. DOUGLAS. I thought you said a minute ago——

Mr. TAWNEY. We authorized it to be brought here, but neglected to transfer the appropriation as well as to authorize the transfer of the machine. So by agreement between the two departments the machine remained in Watertown; but under the expectation that the machine was going to be taken away the Bureau of Ordnance in the War Department estimated for a new machine. So we have concluded, instead of bringing the old machine down, to leave that there and authorize the construction of a new machine.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word.

Mr. MONDELL. One moment, Mr. Chairman. I understand the gentleman to say that the law provides for the removal of this machine from the Watervliet Arsenal.

Mr. TAWNEY. The provision for the repeal of that law has been agreed to in the legislative appropriation bill by both Houses, and that part of the agreement has been adopted by both Houses.

Mr. GAINES of Tennessee. Mr. Chairman, I see from the hearings that we have appropriated in all $887,000 for this Bureau of Standards. Now, I have rather kept track of this Bureau of Standards and tried to keep it from getting so much money and growing so fast, because I did not see any need of it.

Now, what does Doctor Stratton say about these machines on page 918 of the hearings? He says:

> The CHAIRMAN. Is the erection and operation of a testing machine, especially for mechanical testing, necessary to complete the equipment of the Bureau of Standards in order to fully carry on the functions of that bureau as now authorized by law?
>
> Mr. STRATTON. Yes, sir. The bureau purchased a 100,000-pound testing machine the first year; it was located in the new buildings. It contemplated the addition of a two or three hundred thousand pound testing machine this next year and one of about 1,000,000 pounds capacity as soon as possible. The bureau has a number of other testing machines besides those for tension and compression.

Now, there are three testing machines, one of 100,000 pounds, one of 300,000 pounds, and one of about 1,000,000 pounds. I want to ask, first, why do you want the machines at all, and second, why do you want them so rapidly, and why do you want them so much larger than was thought necessary a while ago?

Mr. TAWNEY. I should be glad to gratify the gentleman from Tennessee, but I know that he was in his seat when I went over this whole matter, and if I failed to make it clear why it was necessary to authorize the construction of these machines, I can not now add anything to it or make it any clearer.

Mr. GAINES of Tennessee. The gentleman did not cover this point—why was the hundred-thousand machine procured at first, and then one of three hundred thousand, and now he says a million-pound machine is contemplated.

Mr. TAWNEY. What is the gentleman reading from?

Mr. GAINES of Tennessee. I am reading from Doctor Stratton's testimony, on page 918 of the hearings.

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

Mr. GAINES of Tennessee. Yes.

Mr. MANN. I hope the gentleman will take it all in good part. The gentleman and I have disputed over the Bureau of Standards, I think, every time the sundry civil bill has come up for consideration for a number of years.

Mr. GAINES of Tennessee. How old is the Bureau of Standards?

Mr. MANN. It was transferred from the Treasury Department, where it had just been organized, into the Department of Commerce and Labor, when the bill passed five or six years ago. Every time I have asked the gentleman from Tennessee if he would not confer a favor upon himself and his country by going out and visiting the Bureau of Standards and its work. Now, I want to ask the gentleman if he has ever done so?

Mr. GAINES of Tennessee. I say frankly to the gentleman that I have not.

Mr. MANN. Then I do not think the gentleman ought to criticise the bureau.

Mr. GAINES of Tennessee. I am not criticising the bureau. I am asking why, in these things, they jump from a hundred-thousand-pound machine to a million-pound machine?

Mr. MANN. It is not difficult to inform the gentleman.

Mr. GAINES of Tennessee. Not if you answer my question.

Mr. TAWNEY. The difference between the capacity of the two machines ought to be sufficient information for the gentleman.

Mr. MANN. The Bureau of Standards is doing very important work.

Mr. GAINES of Tennessee. What?

Mr. MANN. All kinds of standardizing work.

Mr. GAINES of Tennessee. For whom?

Mr. MANN. For the Government. It makes standards, and anybody gets the standard.

Mr. GAINES of Tennessee. Is the Government in the business?

Mr. MANN. Standardizing work, such as making electrical standards.

Mr. GAINES of Tennessee. For whom?

Mr. MANN. For the world.

Mr. GAINES of Tennessee. Oh, we are running this concern for private individuals?

Mr. MANN. Not at all. The gentleman does not understand. It is not the standard of the thing itself; it is not a test of the thing itself. Occasionally they do test the actual thing for which people pay, but it is like the structural test, the coal test.

Mr. GAINES of Tennessee. I am trying to get at the right of this thing.

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

Mr. GAINES of Tennessee. I ask for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for two minutes. Is their objection?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, will the gentleman tell me if it has been doing any work for the United States Steel Corporation?

Mr. MANN. It does not do work for any corporation as a corporation.

Mr. GAINES of Tennessee. Has it done any at all for that corporation?

Mr. MANN. I could not answer that question.

Mr. TAWNEY. I will answer the question, and say that it has.

Mr. GAINES of Tennessee. For the United States Steel Corporation?

Mr. TAWNEY. Yes; and the United States Steel Corporation paid them for it.

Mr. GAINES of Tennessee. What is it?

Mr. TAWNEY. It is the test of instruments they are using, the standardizing of instruments.

Mr. GAINES of Tennessee. Is it possible that that great concern comes down here and keeps alive a government manufactory?

Mr. MANN. Permit me to say to the gentleman that when instruments are tested in this bureau, if they were not tested here they probably would have to be sent to Germany.

Mr. GAINES of Tennessee. I would say to my friend that I do not——

Mr. MANN. I wish the gentleman would accompany me out to the Bureau of Standards. It will teach him——

Mr. GAINES of Tennessee. I would go most anywhere with the gentleman.

Mr. MANN. It will teach him more in reference to this question than talk in the House could teach him in forty months. It is one of the most interesting developments of the Government.

The Clerk read as follows:

PUBLIC BUILDINGS.

Building for Geological Survey and other offices: Toward the construction, on square 143, in the city of Washington, belonging to the United States, of a fireproof building, of modern office type of architecture, which building, including vaults, heating and ventilating apparatus, elevators, and approaches complete, shall cost not exceeding $2,500,000, and shall be designed and constructed of sufficient area and capacity to occupy all of said square as a building site, and to afford, when completed, office accommodation for the entire organization at Washington of the office of the Geological Survey, Indian Office, office of the Reclamation Service, and General Land Office, $100,000; the said building shall be constructed under the direction of the Superintendent of the Capitol Building and Grounds, subject to the control and supervision of the Secretary of the Interior.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. TAWNEY. Mr. Chairman, the point of order, if made, undoubtedly would have to be sustained. The reason for this provision is this: The Geological Survey has been occupying rented quarters for many years, and for four years to my knowledge the attention of the Committee on Appropriations, and I think the attention of the Committee on Public Buildings and Grounds, has been brought to the necessity of providing more commodious, suitable, and safe accommodations; in fact, a safe building for the Geological Survey. The Government is also paying out a great deal of money for the rent of buildings occupied by other bureaus of the Interior Department, and it was thought, in view of the recent fire in the building occupied by the Geological Survey, which resulted in the destruction of about $18,000 worth of government property, and in view of the danger that the value of property belonging to the Government in the office of the building occupied by the Geological Survey may be destroyed, we ought to commence at least looking to securing some suitable and safer accommodations and quarters for that bureau.

Therefore we have authorized the construction of this building on a lot owned by the Government of the United States, bought and paid for a number of years ago, which is lying idle and is not utilized at all, and we have also provided for a building of a sufficient size and capacity to accommodate not only the Geological Survey, but the Land Office, the Indian Bureau, and the Reclamation Service.

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

Mr. TAWNEY. Yes.

Mr. MANN. What lot is this?

Mr. TAWNEY. This is a lot commonly known as the "Hall of Records." The lot was purchased some time ago, and is located west of the State, War, and Navy building. I think it is a couple of blocks west and a block south, if I am not mistaken.

Mr. MANN. Where is it from the Corcoran Art Gallery?

Mr. TAWNEY. North and west.

Mr. SLAYDEN. How far from the Corcoran Art Gallery?

Mr. TAWNEY. Within a block or two. I have never seen it but once, but it is in the vicinity of the Corcoran Art Gallery.

Mr. NORRIS. I think I can tell the gentleman how the lot is bounded.

Mr. MANN. That would not convey any information to me to know how it is bounded.

Mr. NORRIS. It is between Eighteenth and Nineteenth streets and E and F. That block would corner so that it would make the location on the southwest of the lot—that is, directly west of the State, War, and Navy building—the block that is directly west of that building and which is just diagonally across the street from what is known as the "White Lot."

Mr. MANN. That is, it is south of that block and one block beyond?

Mr. NORRIS. Yes. It is in the vicinity of the Octagon House. It is directly across the street, as I remember the location.

Mr. MANN. Why has not this block been used for the construction of a hall of record?

Mr. BARTHOLDT. Because we have not made an appropriation for it.

Mr. TAWNEY. Well, there is no authorization for the construction of a hall of record.

Mr. MANN. The gentleman will remember, I think, that there never has been for any public building in Washington such a campaign of education carried on as there was to secure a hall of records. Up and down, all around, it was represented to be that the Government could not continue in existence if we did not have a hall of records.

Everything was going to fall to pieces if we did not get a hall of records; statesmen, educators——

Mr. TAWNEY. And is it not a fact that agitation ceased almost immediately after we bought that block?

Mr. MANN. Yes. Now, the question with me is, whether there is any more occasion now for complying with the agitation for this department, merely because they had a fire up here and destroyed a few pieces of property, than there was for a hall of records.

Mr. TAWNEY. I think if the gentleman will take the trouble to inquire into the present crowded condition of the Geological Survey he will find we had, at the last session of Congress, to authorize the rent of another building outside in order to accommodate them.

Mr. MANN. That is to put the records in. We have got more buildings employed in Washington to put records that would be and ought to be in a hall of records——

Mr. TAWNEY. If I had had my way three years ago the Committee on Appropriations would have reported an appropriation for a hall of records, but we could not utilize that lot in that way, so I concluded in view of the urgent necessity for a building for the Geological Survey that it would be best to utilize it in this way.

Mr. MANN. Does the gentleman seriously believe, and say, if this item should go in when enacted into law it would provide for this building on this site?

Mr. TAWNEY. I do. If it does not go in on this site there will be no more money appropriated.

Mr. MANN. That is not in the power of the gentleman. The moment it stays in the bill and it goes to the Senate this item will not provide for a building on this site. It goes to conference, and the gentleman can not refuse to report the bill back to the House, and the House then becomes subject to the pressure of everybody in this city to put this building on some other site and not put it on this site.

Mr. TAWNEY. I will say to the gentleman that the people who are interested in building this building for the Geological Survey do not make any objection to the site at all.

Mr. MANN. But the architects who run the town, the newspapers who contribute toward it, are all opposed to locating this building on this site. It interferes with the plans, and I am not satisfied that it would remain on this site if appropriated for.

Mr. MONDELL. May I ask the gentleman a question?

Mr. TAWNEY. Certainly.

Mr. MONDELL. Does the gentleman consider this an appropriate site for a public building for these important bureaus of the Government which must be very frequently visited by every Member of Congress?

Mr. TAWNEY. I do; and I will tell the gentleman why. This is purely a workshop; it is intended to be an office building, not a building of ornate architecture or of artistic design necessarily, but it is to be an office building where the occupants of the building will have an opportunity to get all the light necessary.

We want to get the people where they can have a building with plenty of light, with windows in the building, so as to secure plenty of light for the work that they must do in that building. It is not intended to be an ornament or a monument, I should say, to the city of Washington, but an office building—a workshop—and for that reason it can be built for much less than it would be otherwise.

Mr. GAINES of Tennessee. How much rent are we paying now for this Geological Survey?

Mr. TAWNEY. I can not tell at the moment.

Mr. NORRIS. This will save about $51,000, by having in one building all the different bureaus which are contemplated to go in there.

Mr. HAUGEN. Sixty-seven thousand dollars, altogether.

Mr. BARTHOLDT. Mr. Chairman, I am not particularly interested as to where this building is to be located, but I am interested to locate it on government ground no matter where it be. The Government owns sufficient ground in this city to locate nearly all the new buildings that might be needed within

the next four or five years; hence I would object to the purchase of any ground for any one of those public buildings that we are to erect in the near future, and I hope the gentleman from Illinois will not insist upon his point of order. This matter is important. It has been called to the attention of the Committee on Public Buildings and Grounds, and that committee, owing to the demands from the country for public buildings, was unable to take this matter under consideration.

We waive our rights in this matter and are perfectly willing, owing to the necessities of the case, that the Committee on Appropriations should take care of this building. A fire in that building recently destroyed valuable maps and records and instruments. Such a fire in the fire trap in which it is located now might occur at any moment and any day, and millions and millions of damage might be done to the Government by Congress refusing in time to provide for a fireproof building for that important bureau.

However, there is one section in this paragraph regarding which I would like to ask the chairman of the committee a question. It provides that the Superintendent of the Capitol Building and Grounds shall prepare plans for this building.

Mr. TAWNEY. No. To be constructed under his direction.

Mr. BARTHOLDT. I might as well say it now before the point of order is taken up and decided, that my idea about these matters is that we should somewhere in some department have an official with a sufficient force to prepare the plans for all the government buildings we are constructing. I should like to consolidate all that work into one particular bureau. We have no department of public works. I think we ought to have. The Treasury Department has been the department which has taken care of these matters, and I do not see why the Supervising Architect of the Treasury Department should not be charged with the execution of these plans.

Mr. TAWNEY. I will explain to the gentleman. There was no malice aforethought or anything of that kind that prompted the committee in putting this paragraph in the bill. The Supervising Architect is the executive officer of the so-called "Fine Arts Commission." Now, we have undertaken to locate this building on government land. We have also attempted to decide the character of architecture.

I assume that the Supervising Architect would be more or less under the influence of the commission, and I also believe that with the amount of work that he has on hand now, and with the success that Mr. Woods has achieved in the architecture and construction of these two buildings here, it could be done just as well by Mr. Woods under the direction of the Secretary of the Interior. We do not want to make this building for the Interior Department. The Superintendent of the Capitol Building and Grounds is an officer under the Secretary of the Interior, and we thought it would be better to leave the whole thing to the Interior Department.

Mr. BARTHOLDT. I yield to no man in my admiration for the Superintendent of the Capitol. I think he is one of the most efficient and competent officials of the Government. But I do not like to see two drafting rooms—two forces employed by this Government that are doing exactly the same work. I should like to see all that work done in one place and under the supervision of one officer. Whether it is the Superintendent of the Capitol or the Supervising Architect, I do not care. I am sure in each case the work would be done to the satisfaction of the House and of Congress.

Mr. MANN. I have not but a word to say. The gentleman from Missouri [Mr. BARTHOLDT] does not like this item, and I have a great deal of confidence in his opinion. It does not satisfy me the way it stands. There is no fair chance——

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN (continuing). Therefore, I make the point of order.

Mr. SULZER. I suggest that the gentleman withhold his point of order for a few minutes.

Mr. MANN. We have held the point of order now for twenty-five to thirty minutes, listening about something else.

Mr. SULZER. I ask for a little time.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois [Mr. MANN] reserves the point of order?

Mr. MANN. I will withhold it for five minutes for the gentleman from New York.

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, no point of order should be made against the provision in this bill for a new, adequate, and fireproof building for the Geological Survey. This is a matter of necessity. In my opinion there is no department of the Government doing so much to-day to develop the material resources of the country as the Geological Survey. I think we all appreciate the value of the work and the importance of preserving it in a fireproof building. The work of the Geological Survey is a monumental one, and we appropriate hundreds of thousands of dollars every year to prosecute it all over the land, and after the work is done and the data collected we allow it to be stored in an old fire-trap building here in Washington, liable to catch fire at any time, and if it burns down all of these valuable records will be destroyed. If they are destroyed, the loss would be incalculable. These maps and records and data never can be duplicated without the expenditure of millions and millions of dollars by the Government. A new building for the Geological Survey is absolutely necessary. It should be a modern, up-to-date fireproof building with all conveniences for this great and important work. Very recently there was a fire in this old building occupied at present by the Geological Survey and where it has been for a number of years, and over $18,000 worth of invaluable property was destroyed before the fire was put out.

Suppose that fire had occurred in the nighttime and had not been put out quickly. All of the building, with its contents, would have been consumed and the loss would have been a national and irreparable loss to all the people.

The constant danger of fire presents the most urgent ground for consideration of this proposition. An inventory of the public records and other property exposed to this danger at the present time aggregates over four and a half million dollars, with the following items:

Manuscript maps, reports, illustrations, notes, and records in process of preparation for publication	$1,514,000
Permanent records, including stream-gauging records, mine maps, and other data not replaceable	1,250,000
Library and catalogue	520,000
Maps in process of engraving	380,000
Engraved plates	634,000
Instruments and apparatus	157,000
Engraving and printing equipment and supplies	75,000
Publications—reports and maps	196,000
Miscellaneous office equipment	114,000
	4,840,000

This estimate is conservative and can not express the actual loss that the public would suffer, inasmuch as the second item includes many records, extending through a quarter of a century, which can not be replaced.

Scientists and engineers who have occasion to use the survey library or to examine the public records have freely expressed their appreciation of the danger to this property. A recent published statement is that of the city engineer of San Francisco:

> In examining many of the buildings in Washington occupied by the various departments, buildings in which are stored data and documents of almost incalculable value, I find that they are mainly structures which would not rank higher than San Francisco's third-class buildings. It is astonishing that the Government faces such risks. Note the Geological Survey. The floors in that building are of wood, so are the doors and file cases and furniture, and in that building are data many times the value of the structure. Now, a building of that kind is not safe. I would suggest for economy that the government buildings be put in better shape to resist possible fire.

The Engineering and Mining Journal of December 26 last, in an editorial, states:

> The Geological Survey on December 16 had a fire in its headquarters in Washington, whereby many maps, photographs, and other records of value were destroyed. About three years ago the Journal forecast that this would happen sooner or later, the building rented for the Geological Survey being a dangerous fire trap. We urged then that Congress should provide the Geological Survey with suitable headquarters.

The Engineering News of December 24 calls attention to the narrow escape of the "entire building, with priceless records, from complete destruction," and the Mining and Scientific Press offers "congratulations to the Geological Survey on escape from a great disaster."

To remedy this critical situation and to provide adequate quarters for not only the Geological Survey, but also the General Land Office, the Office of Indian Affairs, and the Reclamation Service—the bureaus of the Interior Department which have to do with the public lands—it is now recommended that there be erected a fireproof building with sufficient floor space for these four bureaus.

Mr. Chairman, I know of no more important work to be done to-day for the best interests of the people, and I sincerely trust my friend from Illinois [Mr. MANN] will not insist on the point of order. If he does, it will amount to little less than a national calamity in case of a fire. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The point of order is sustained.

The Clerk read as follows:

> Repairs of buildings, Interior Department: For repairs of Interior Department and Pension buildings, and of the old Post-Office Department building, occupied by the Interior Department, including preservation and repair of steam-heating and electric-lighting plants and elevators, $20,000.

Mr. GAINES of Tennessee. I move to strike out the last word. Mr. Chairman, we have just lost a paragraph in this bill that I wish to have retained in it. Now, we are paying out by actual calculation $471,000 a year for rent of private buildings in which to do the public service in the District of Columbia.

Mr. SULZER. Mr. Chairman, I am glad the gentleman from Tennessee is making that point. I intended to make it, but did not have the time.

Mr. GAINES of Tennessee. I developed that a long while ago.

Mr. TAWNEY. Mr. Chairman, there is a great deal of this bill on which we have got to act to-night, and I must insist upon the rule that requires gentlemen to speak to the paragraph under consideration.

Mr. GAINES of Tennessee. I wanted to bring that matter home to the chairman. Now, we are paying $471,000 a year for private buildings for conducting the public business.

Mr. TAWNEY. I make the point of order that the gentleman is not addressing himself to the paragraph under consideration.

The CHAIRMAN. The Chair sustains the point of order. Without objection, the pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Improving the Capitol grounds: For the care and improvement of the grounds surrounding the Capitol and House of Representatives Office Building, pay of one clerk, mechanics, gardeners, for fertilizers, repairs to pavements, walks, and roadways, $27,500.

Mr. MANN. Mr. Chairman, on line 2, page 104, I move to strike out the words "of Representatives."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On line 2, page 104, strike out the words "of Representatives."

Mr. MANN. The reason for that is, by a joint resolution that was passed by Congress at the last session we adopted the technical name "House Office Building," and it is a much shorter title.

Mr. TAWNEY. You mean "of Representatives" should be stricken out?

Mr. MANN. Yes.

Mr. TAWNEY. That is right.

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

The Clerk read as follows:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the House of Representatives Office Building, Botanic Garden, Senate and House stables, and engine house, Maltby Building, and folding and storage rooms of the Senate and House of Representatives; for gas and electric lighting; pay of superintendent of meters, at the rate of $1,600 per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, $78,500.

Mr. MANN. Mr. Chairman, I move to strike out, in line 8, the words "of Representatives."

The Clerk read as follows:

Line 8, strike out the words "of Representatives."

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

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $295,000: *Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $3 per day, of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and in the opening of new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided further*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out, of lines 9 and 10, the words "two hundred and ninety-five thousand" and insert in lieu thereof the words "three hundred and forty-five thousand."

Mr. MONDELL. Mr. Chairman, I trust that the chairman will accept this amendment. It increases the appropriation for contingent expenses of land offices by $50,000. It is not my thought to increase the general appropriation of the land service; and if this amendment is adopted I would at the proper time move, or would hope and expect the chairman of the committee would move, that out of the million dollars in the next page this amount should be taken.

Mr. TAWNEY. Let me suggest to the gentleman from Wyoming that a better and more satisfactory way would be for him to insert it somewhere in the paragraph commencing in line 4, page 106, that the sum of $50,000 to be expended for the purpose of this appropriation be taken out of that million dollars.

Mr. MONDELL. Mr. Chairman, I offered the amendment here because I was of the opinion that the committee would not care to have the appropriation under this item divided.

Mr. TAWNEY. The reason I make this suggestion is this: The $500,000, together with the $250,000 we appropriated the last session over and above the amount previously appropriated, is for the purpose of bringing up the work of the General Land Office so as to make the work current. Now, in connection with and as one of the necessary incidents of bringing the work up to date will be an increased number of hearings and increased expense on account of hearings, all of which should come out of this million dollars we now propose to appropriate to clean the work up.

Mr. MONDELL. Mr. Chairman, I have no objection to the amendment proposed by the chairman of the committee.

Mr. TAWNEY. Another advantage, I will say to the gentleman, if this is done, is this: Hereafter the appropriation that is usually carried for the expense of the hearings will remain the same, whereas if we increase it $50,000, we will never be able to get it out again when this work has been brought up current. My idea is if we take this out of the total expense to bring the work up current, when we get it up current we can go back to normal conditions again.

Mr. MONDELL. I should like to ask the chairman of the committee if he would have any objection to an amendment which would make the $750,000 appropriation which is to be used to bring the work current available for the purposes provided for in this section, and also in the section on page 107, for expenses of hearings in land entries?

I desire to remind the gentleman that the Secretary of the Interior suggested in the hearings that this item under the head of "Expenses of hearings in land entries" might be provided for out of the lump appropriation.

Mr. TAWNEY. What do you estimate will be necessary for that?

Mr. MONDELL. I estimate that at the very least $50,000 will be needed for each of these purposes; they will probably need more.

Mr. TAWNEY. Will the increasing of these appropriations for that service advance or facilitate the work of cleaning up these land cases, in your judgment?

Mr. MONDELL. Mr. Chairman, it seems to me absolutely essential, if we are to clean up the land cases, that we shall grant the funds for cleaning them up. Now, the $750,000 of additional appropriation is simply for investigation. The final settlement of the land cases comes at the hearings. I do not desire to criticise the committee in regard to this matter, because the importance of it does not seem to have been impressed upon them, yet there is no increase whatever in the appropriation for hearings, and if the cases are to be closed there must be many hearings.

Mr. TAWNEY. We gave the full amount estimated. So if there is any criticism, it is not on the committee.

Mr. MONDELL. I have no desire to criticise the committee, and I do not think it is subject to criticism in the matter. The Secretary, however, seems to have overlooked the fact that while there are only a thousand hearings now set, and he estimates $35 as the average cost of a hearing, there are 2,771 coal cases where final receipts have been issued, but patents withheld until there shall have been a hearing, at least in cases in which the special agent shall report adversely to the entryman. There are 3,697 coal cases where final proof has been made and final receipt withheld, and in a large number of such cases no final decision can be had except through a hearing.

[The time of Mr. MONDELL having expired, by unanimous consent it was extended five minutes.]

Mr. TAWNEY. I will say to the gentleman from Wyoming that the committee propose to accept the gentleman's amendment; so it will not be necessary for him to take the five minutes.

Mr. MONDELL. I will take the time of the committee for just a moment further, to indicate the necessity for this provision. An investigation by a special agent will bring out certain facts with regard to entries. The investigation will clear up many cases, because, in my opinion, in a great majority of the cases the report of the special agent will be favorable to the entrymen.

Mr. TAWNEY. The department puts it at 50 per cent.

Mr. MONDELL. My opinion is that in nearer 75 or 80 per cent of the cases the report of the special agent will clear the case up; but I am of the opinion there must be at least from 1,000 to 1,500 additional cases tried this year, besides those cases already set. With that doubling of the number of cases the cost of trying them must increase in the same proportion.

Mr. FINLEY. What is the cost of trying each case?

Mr. MONDELL. The Land Office estimates that the cost of a hearing to the department—that is, the additional cost entailed by a hearing—is about $35. The cost to the entryman is very much greater.

Mr. FINLEY. About how many cases are there?

Mr. MONDELL. There are a thousand cases set, but I have called the attention of the committee to the fact that there are 2,771 cases where the entryman has been challenged, but in which he has his final receipt; that there are 3,697 cases where the entryman has been challenged and no final receipt issued, and there must be hearings in a great many of those cases. If we are to clear up the cases, a part of this appropriation should be used for cost of hearings before the registers and receivers; there must be additional clerks and there will be other expenses to be met.

Now, I understand the chairman of the committee is willing to accept an amendment whereby $100,000 of the $1,000,000 carried on the next page may be used for the purposes contemplated in the item of contingent expenses of land offices and in the item of expenses of hearings in land cases.

Mr. TAWNEY. I have the amendment prepared, and when that paragraph is reached I will insert it. I want to say that the proposition of the gentleman from Wyoming is necessarily incident to facilitating the work for which we make an appropriation of $1,000,000. If these cases must be heard they will have to have the money with which to conduct the hearings, and the more money they have the more cases they can hear.

The CHAIRMAN. Does the gentleman from Wyoming insist on his amendment at this point?

Mr. MONDELL. No; I will withdraw the amendment in view of the fact that the chairman will offer an amendment that accomplishes the purpose I had in view in the amendment I offered, and another I had intended to offer to increase the sum available for hearings before registers and receivers.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $1,000,000, to be immediately available, of which sum $750,000 is for the purpose of bringing up the work of the General Land Office hereunder so as to make the same current, and not exceeding $10,000 of this appropriation may be used for the payment, in the discretion of the Secretary of the Interior, of fees of witnesses and of the actual expenses of witnesses summoned before the state grand jury to indict persons guilty of violation of the law in connection with the execution of deeds covering lands allotted in Oklahoma to the Mexican Kickapoo Indians, or before state courts at the trial of persons so indicted: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, including necessary sleeping-car fares, except when agents are employed in the district of Alaska, they may be allowed not exceeding $6 per day each, in lieu of subsistence.

Mr. MANN. Mr. Chairman, I make a point of order to lines 24 and 25, page 106, on the words "selected by the Secretary of the Interior and," so that it will read "shall be allowed per diem."

Mr. FITZGERALD. What is the object of the gentleman from Illinois?

The CHAIRMAN. Will the gentleman from Illinois state his point of order?

Mr. MANN. The point of order is that this is pure legislation where it provides that the agents and others employed under this appropriation shall be selected by the Secretary of the Interior.

Mr. FITZGERALD. Does the gentleman from Illinois wish to discontinue the men in the employ of the department?

Mr. MANN. It would not discontinue the service. They are in the employ of the department. It is a matter for the Executive to determine how they shall be appointed. Under this the Executive does not have any discretion about it. I do not wish to argue the question; I will argue the point of order. I did not reserve the point of order, or offer to.

Mr. FITZGERALD. Does the gentleman object to giving the information?

Mr. MANN. I make the point of order.

Mr. TAWNEY. I do not know that there is anything that can be said on the point of order. I was hoping that the gentleman from Illinois would appreciate the necessity of carrying this language. It is not the language of the committee, but it is the language of the department under which the estimate was submitted, and the character of this service is such that I do not believe that the most efficient results——

Mr. MANN. If the gentleman from Minnesota asks me to reserve the point of order, I will do it.

Mr. TAWNEY. I will ask the gentleman to withdraw his point of order in the interest of the public service. He has always been good-natured enough to do that on every occasion when this provision was considered in previous sessions of Congress, and I was really depending on his good nature to do so now.

Mr. MANN. This is by unanimous consent. I would like to know whether I am asked to reserve the point of order? I want to know whether it is the wish of the committee to waste the time of the commitee?

Mr. TAWNEY. I will ask the gentleman to reserve the point of order.

Mr. MANN. I will reserve it.

Mr. FITZGERALD. Is the gentleman from Illinois going to insist on the point of order?

Mr. MANN. I am.

Mr. TAWNEY. The current law provides for the special agents that are appointed in the classified service, with two or three exceptions.

The CHAIRMAN. Does the Chair understand that the point of order is made or reserved?

Mr. MANN. At the request of the chairman in charge of the bill I reserve the point of order.

Mr. MONDELL. I trust that the gentleman from Illinois will not insist on the point of order if the effect would be to put these employees under the civil service in such a way that the Secretary would have no discretion. Does the gentleman understand that that would be the effect?

Mr. MANN. In the first place, striking out these words does not put them under the civil service unless the President so classifies them. In the second place, if it did and the Secretary of the Interior should ask the President to take them out of the classified service and the next President followed the precedent of the existing President, he would take them out at the request of the Secretary of the Interior.

I will say to the gentleman that I am opposed to compelling the executive department to appoint people to office in violation of the standing precepts they are preaching to Congress. When we have a bill one day vetoed by the President of the United States because it does not provide for the appointment of every clerk in the Census Office through the Civil Service Commission permitting the appointment after competitive examination, and the next day having a bill at the request of the department itself insisting that Congress shall require them to make appointments in violation of the spirit of the veto message, I stand here to protect the name of the President of the United States against this unjustifiable assault. [Laughter.]

Mr. FITZGERALD. If the gentleman will permit me, I wish to say that this matter was not called to the attention of the committee in the forceful way it has been by the gentleman from Illinois [Mr. MANN], and in keeping with the spirit that seems to animate him, if he does not insist on the point of order——

Mr. MANN. Oh, I shall insist upon it.

Mr. FITZGERALD (continuing). I shall be inclined to do so myself. [Laughter.]

The CHAIRMAN. The Chair wishes the committee to understand that discussions of this kind under a reserved point of order are by unanimous consent.

Mr. MONDELL. I ask unanimous consent that I may discuss the matter for three minutes?

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, since listening to the forceful remarks of the gentleman from Illinois, I do not know whether I desire him to make the point of order or not. The present practice under the language carried in this paragraph is to hold that the special agents are under civil service. However, the department makes a few exceptions in the case of the men who have special qualifications as timber men and mining experts. Now, I think the present practice an excellent one.

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

Mr. MONDELL. I will be glad to.

Mr. MADDEN. Can he tell the committee how the department ascertains the special qualifications of these men if they do not give them an examination in the classified service?

Mr. MONDELL. They do give them a special examination.

Mr. MANN. I can tell the gentleman how to ascertain the special qualifications. They see somebody—where I could see now, if I were looking down this corridor—in the other end of the Capitol. [Laughter.]

Mr. MONDELL. Mr. Chairman, these appointments, as I understand it, are made from the classified service, and after examination. I recommended several gentlemen whom I thought were well qualified, and I was told they could not be appointed because they were not on the eligible list of the classi-

fied service. If I had my way about it, none of these new special agents would be under the classified service, because I believe we would have much better service if these men were appointed by the Secretary on account of their qualifications for the work, instead of being appointed after civil-service examination.

The CHAIRMAN. The time of the gentleman has expired.

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

The CHAIRMAN (Mr. OLMSTED). The Chair understands that it is conceded that under the law these men are appointed from the classified service. This language to which the point of order is made provides for a different manner of selection. It changes existing law and the point of order is therefore sustained.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I hold the Attorney-General's report for 1907 in my hand and am reading under the head, "Prosecutions of land-fraud cases." He says:

The essential feature common to all of them is evasion of the several provisions of law limiting the amount of public lands to be acquired by any one individual or corporation and providing safeguards against the purchase of such lands, at the prices fixed by the Government, by persons and for purposes not authorized by law. The usual expedients adopted to evade these provisions have been fictitious entries made by persons employed and furnished with funds for that purpose by a person or corporation desirous of acquiring large tracts of land, these fraudulent entrymen conveying their titles, as soon as practicable with safety, to the real purchasers. All such transactions are necessarily fraudulent and involve numerous false oaths and either gross deception practiced upon public officials or the corrupt connivance of the latter. Nevertheless, in some localities they appear to have been practiced so long and with such impunity that their essential immorality, no less than their illegality, has been very generally lost sight of.

The department has caused the institution of a considerable number of criminal prosecutions in cases of this character, and has also brought many civil suits for the recovery of the lands thus fraudulently obtained. A number of tracts have been also reconveyed to the Government by those holding illegally acquired titles.

The department has received, in connection with these cases, many requests for indulgence to the parties concerned, founded upon the alleged ignorance of the latter that they were offending against the federal laws.

In Ellis *v.* United States (206 U. S., 246), decided May 13, 1907, the Supreme Court said: "If a man intentionally adopts certain conduct in certain circumstances known to him and the conduct is forbidden by the law, under those circumstances he intentionally breaks the law in the only sense in which the law ever considers intent."

The department has consistently acted in accordance with the foregoing statement of the law, and has found the less reasons for sympathy with offenders in cases of this character because it is difficult to believe that anyone can doubt the wrongfulness of false oaths and systematic deception.

I wrote to Secretary Garfield and asked him about some land-fraud cases in New Mexico, and asked him why he did not have criminal prosecutions instituted, and so forth, and on May 4, 1908, he gave me this excuse, as he said in his letter:

After a conference with the Attorney-General concerning the nature of suits to be brought, no criminal intent, other than the intentional evasion of the law, appeared in the evidence at hand either against the territorial officials or the purchasers and timber contractors.

No criminal prosecutions were instituted because the evasion was "intentional."

Yet the Attorney-General, in his report of 1907, a year before, quoting the Supreme Court, says:

If a man intentionally adopts certain conduct in certain circumstances known to him and the conduct is forbidden by the law, under these circumstances he intentionally breaks the law in the only sense in which the law ever considers intent.

Then the Attorney-General goes on, as I have read, to say that the department has consistently acted in accordance with the foregoing statement of the law.

Now, Mr. Chairman, I am not here to trap the Secretary of the Interior. I like Mr. Garfield. Nor am I here to trap the Attorney-General, Mr. Bonaparte. But here is the Attorney-General's report of 1907, and here is Mr. Garfield's letter of 1908, after that Supreme Court decision of 1907, and after they had found all these frauds, and they went along and filed an injunction suit as to these fraudulent purchases and possessions, but they instituted no criminal prosecutions, because the evidence did not show anything else than "an intentional evasion of the law."

That is the most remarkable statement that ever was writ or read in any court or read in this House—found "an intentional evasion" of the law, and therefore there was no criminal prosecution begun. How in heaven can we stop "depredations on timber;" how can we stop the fraudulent taking of land; how can we stop these great railroad corporations setting up dummies and hiring creatures to live around and settle on the public lands and then sell out to the corporations, with such an administration of the criminal law in this country? [Applause.]

Mr. STEPHENS of Texas. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the chairman of the committee to an omission, I think, in line 19, page 106, with reference to the prosecutions with reference to lands allotted to the Kickapoo Indians. It reads this way:

In the discretion of the Secretary of the Interior, of fees of witnesses and of the actual expenses of witnesses summoned before the state grand jury.

I think it should state there "court or grand jury," because there is no use of having witnesses go before the grand jury unless they go before the court.

Mr. TAWNEY. This is the language the department has submitted to the committee, and we gave no attention to the matter in the hearing, but accepted their language, and we would not like to change their phraseology.

Mr. STEPHENS of Texas. But the gentleman can see at once it is more necessary to have the witnesses appear before the courts than the grand jury.

Mr. MANN. It says so; it says here:

Or before state courts at the trial of persons so indicted.

That is in line 22.

Mr. STEPHENS of Texas. Mr. Chairman, I withdraw my amendment.

Mr. TAWNEY. Mr. Chairman, I desire to offer the amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 106, in line 23, after the word "indicted," insert:
"And not exceeding $50,000 additional for clerk hire, rent, or other incidental expenses of the district land offices, and not exceeding $50,000 additional for expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law."

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

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, this paragraph contains a most extraordinary increase of the appropriation for the protection of the public lands. In my opinion the sum provided, $1,000,000, is much more than is necessary for that purpose. In my opinion it can not be expended judiciously or in a way that will be helpful in the protection of the public lands. For years the appropriation under this item was about $200,000. It was considered sufficient. About three years ago the appropriation was increased to $250,000. Last year an additional appropriation of $250,000 was made to bring the work current. The effect of that appropriation has been not to bring the work current, but to make new cases; and while a year ago there were only something like 20,000 cases before the department, if I recollect rightly, there are said to be some 32,000 cases before the department now.

The result of the increased appropriation has been not to settle the cases, not to close the cases, but to create new cases, and the effect of this appropriation, I fear, will be not to close the cases, not to settle the cases that are now before the department, but to create new cases. Special agents oftentimes, without any particular qualifications to prepare them for investigations of this character, selected under civil-service rules, are sent into the western country to make investigations relative to the character of lands claimed by entrymen and as to whether or not entrymen have complied with the law.

In many cases these well-meaning but woefully inexperienced agents have little conception of their duties or of the character of the lands they examine. They are not geologists. They can not judge as to its coal or noncoal character. In the majority of cases they are not acquainted with timber, and they can not pass intelligently upon the question of timber or nontimber. Most of the new men are likely to have no idea of the difficulties under which entrymen labor.

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

Mr. MONDELL. I have only five minutes, but I will yield.

Mr. FLOYD. I would like to ask about a special case that happened to affect my district. By executive order a forest reserve was created covering a large portion of my district, embracing in the neighborhood of 801,000 acres. I am informed that the forest director who examined it under the authority of the Forest Service has suspended the entrance of nearly, if not all, of the homesteaders who had previously made entries in that territory, and they can not get hearings. They claim they have not inspectors to examine the lands and see whether or not the entries are proper, and I would like to know if this bill provides for that character of cases.

Mr. MONDELL. There is an additional appropriation of $770,000 in addition to the amount heretofore granted for investigations of the character referred to by the gentleman, and under the appropriation I join him in the hope that some of those cases will be cleared up. In all probability many of the charges against his constituents have little merit.

Mr. FLOYD. Will the gentleman yield further?

Mr. MONDELL. I am afraid I have not the time.

Mr. FLOYD. I want to state that some of these entries have been suspended for more than a year, and I do not know that any of them have been investigated or whether the homesteaders have had an opportunity for hearing upon them.

Mr. MONDELL. The gentleman's constituents are lucky. If their entries are not suspended for more than one or two or three years they are fortunate. There are many public land entries that have been suspended for two, three, and four years. I hope they will be cleared up under this appropriation, but I am not oversanguine.

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

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may continue for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. As I was saying, in many cases the special agents appointed are not particularly well qualified for their work, and the temptation is to report new cases rather than to settle old ones. My opinion is that we can appropriate a million dollars this year, and a million and a half next year, and two millions the year after, and after having done all that we would have more cases than we have now. It is the easiest thing in the world to create a land case—an alleged fraudulent case. Let any sort of an anonymous communication, from anywhere, blow through the open doors of the Land Office, relating to a land entry, calling it in question in any way, and immediately that land entry is suspended, is put under suspicion, and it is a case for investigation.

Mr. FINLEY. Will the gentleman state that entries are suspended on the faith of anonymous communications to the Interior Department?

Mr. MONDELL. I do. Entries have been so suspended. There is no controversy on that point. The land officials hold that if they receive suggestions or communications or charges from any sources, it is their duty to assume that there is some basis for such charges, and investigate and learn whether or no there is a base for the charge.

Mr. FINLEY. To what extent does a procedure of that character cost the Government?

Mr. MONDELL. It would involve an investigation by a special agent, which might cost the Government a comparatively small sum, if the tract to be examined was in the vicinity of other tracts to be examined, or very much more if the tract was at some distance from other tracts to be examined.

Mr. FINLEY. About what would be the average cost of an investigation?

Mr. MONDELL. I have no sort of an idea.

Mr. FINLEY. As much as a hundred dollars?

Mr. MONDELL. Well, I think perhaps not. I think it does not cost a hundred dollars on the average to examine cases in the field. Perhaps $50, probably less. But that is only a guess.

Mr. FINLEY. To what extent are cases originated by anonymous communications?

Mr. MONDELL. Oh, I have no idea, Mr. Chairman. I know that cases have been so originated. Cases have come to my attention that have originated by anonymous communications. Of course, they are comparatively few compared with the great number of cases. I simply refer to that fact to show how easily a cloud can be thrown on a land claim. For instance, there are thousands of cases now where entries are challenged for this reason: In July, 1906, an executive order was issued and every tract of public land in the United States in a township within which a coal declaratory statement had ever been made was withdrawn from all forms of entry, filing, or selection; that action challenges every entryman on such lands, and the department refuses to issue patents to nonmineral entrymen until there has been a field examination and a hearing.

Mr. FINLEY. If the gentleman will permit me, who is it that has authority in such matters, the Commissioner of the General Land Office or the Secretary of the Interior?

Mr. MONDELL. Nobody has the authority; the President has the power, and he exercises it.

Now, Mr. Chairman, there are approximately 23,000 acres of land in a township, and some fellow may have come along and put a coal declaratory statement on a 40-acre lot, with a view of prospecting some cropping he may have found on it, with the hope that it may prove to be valuable for coal. Or some one may have wanted to hold a tract for a few months for a lambing ground for his sheep, may have desired to shoo off some other fellow for a short time, and so filed a declaratory statement, and wherever a coal declaratory statement had been made anywhere at any time the entire township is withdrawn from entry.

Now, every land entry of any sort or kind within a township where this condition arises is now clouded, and ultimately they will have about 20,000 cases of that character. Some of these cases have been and will be cleared by the examination of the Geological Survey or of special agents; many of them can only be cleared, however, after a hearing. And it is because of that fact that I suggested that a part of this appropriation should be used for these hearings.

Mr. Chairman, my opinion is that most of the cases now before the department could have been taken care of, could have been examined and disposed of, under the exceedingly liberal appropriation of this year. In my opinion the tendency of this constant increase of appropriation is not to dispose of the cases so much as it is to make new cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FINLEY. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from Montana have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Now, Mr. Chairman, I do not desire to be misunderstood in this matter. The western people must not be misunderstood. There is a strong, healthy sentiment in the West for the enforcement of the land laws. It is that strong, healthy sentiment that is the best protection of the public lands. The right to contest is a right that protects the public domain better than all the appropriations that Congress can make for protecting the public lands. If there are public lands of any considerable value and any entryman or locator or claimant is not complying with the law, some other entryman or locator is likely to insist on his complying with the law and contest him, and in doing so secure the preference right to enter the land.

Mr. FINLEY. Now, when a declaration is made as to coal, does that cut out all other entrymen?

Mr. MONDELL. Oh, no; any number of coal declarations may be made on the same tract. Five hundred may be made on the top of each other on the same tract.

Mr. FINLEY. But supposing one wishes to enter the land for a homestead; can he go on and do so?

Mr. MONDELL. He can go right on and homestead the land. A coal declaration does not withdraw the land from entry in any way. They simply constitute a declaration of intention.

Mr. FINLEY. Are the prosecutions for cutting timber large or small; I mean in number?

Mr. MONDELL. Some are very large, but the most of them are small. They are against small mill owners or farmers who have in some way transgressed the rules and regulations.

Mr. FINLEY. To what extent are the prosecutions for fraudulent entries?

Mr. MONDELL. The general public considers all these cases fraudulent. The department does not so designate them; but, unfortunately, whenever a statement of the number of cases before the Land Office goes out to the world, it goes out as a statement of fraudulent cases.

Now I want to call attention to a document which I understand was to a certain degree responsible for this increased appropriation.

Mr. FINLEY. What document is that?

Mr. MONDELL. It contains a letter signed by the chief of the Special Service Division of the General Land Office. It is the most highly colored, extravagant, exaggerated statement, in my opinion, ever issued from a public office.

Mr. MANN. Tell us what that is. We want to see it.

Mr. MONDELL. It was published widely. Here is a copy of it.

Mr. MANN. Nobody would know it without the gentleman's advertisement. I have never heard of it.

Mr. MONDELL. It is the most inflammatory document of the kind I have ever seen. In that document the claim is made that this appropriation is necessary for the purpose of reclaiming $100,000,000 worth of property, or restoring it to the Government.

Mr. FITZGERALD. I think the gentleman is mistaken.

Mr. MONDELL. No; I am not mistaken.

Mr. FITZGERALD. Let me state what it is.

Mr. MANN. He is mistaken. It is $110,000,000.

Mr. FITZGERALD. That they have discovered fraudulent entries or operations which will result in the return of $110,000,000 worth of public lands to the public domain; and

having done that with $500,000, they want this additional appropriation to see how much more they can get.

I think the gentleman ought to state that the reason the committee gave this additional money, making a million dollars available, is this, that the Secretary stated that if it were not given at this time the statute of limitations of six years would run against most of these cases and the Government would be unable to recoup.

Mr. MONDELL. I am not objecting to the appropriation simply because there are not votes enough here to reduce it. That is the only reason why I am not objecting to it.

Mr. FITZGERALD. I would vote with the gentleman.

Mr. MONDELL. But I started to say that that was the most exaggerated, highly colored, inflammatory statement—I might almost say the most unjustifiable statement—that I had ever read issued from a government bureau. It places a value of hundreds of dollars an acre upon lands that, if the particular claimant now claiming them should be proven not to hold them in accordance with law, would be transferred to another claimant, and that other claimant would acquire them at all the way from $1.25 to $5 an acre.

If they were not homesteaded. Yet this document refers to them as lands worth $300 an acre and more, which the Government is proposing to reclaim and restore to whom? Why, to some other claimant or entryman. For instance, there are some mineral lands, estimated as of the value of $25,000,000. Nobody knows just what they are worth, but if they are all good coal lands, and the present claimants lose their cases before the department, other claimants can acquire them for from $10 an acre upward; and if not coal lands, can be homesteaded or acquired for much less.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. FINLEY. This is very interesting. I request that the gentleman have five minutes more.

Mr. SMITH of Iowa. I do not want to object to that, but I do want that this shall end. I suggest that after five minutes more we proceed with the reading of the bill.

Mr. MONDELL. I do not want to take up the time of the committee, but I should like five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FINLEY. What is the comparative cost of reclaiming an acre of land, or a dollar's worth of land, under the system carried on by the department?

Mr. MONDELL. It is very difficult to answer that. We are appropriating a million dollars, and the probability is that the Treasury will not receive anything like a million dollars for lands which, through this appropriation, may be taken from one claimant and transferred to another; or, having been taken from one claimant, another claimant may assert his right and claim to. So, as a matter of fact, this appropriation will not in the majority of cases return anything to the Treasury of the United States. If it be a case of a coal entry, the coal entryman has already paid the price; and in the majority of cases, if he loses his entry, the money will be returned to him and another coal entryman will then purchase the land at the same price, or possibly, in some cases, at a slightly increased price, but at no such increase as that suggested in this report.

Mr. MADDEN. The gentleman's contention, then, is that if the present occupant of the land is found to be illegally in possession, some other person who has filed a claim would have the right of entry?

Mr. MONDELL. If it is land subject to homestead entry, and the present homesteader is unlawfully in possession, another homesteader could take it. If it is mineral land and the Government recovers it, some other entryman could take it. If it is coal land, and the present coal claimant shall lose the tract, another coal claimant has an opportunity to purchase.

Mr. MADDEN. What price would he have to pay?

Mr. MONDELL. Well, we are now classifying the coal lands. In some cases they would pay $10 or more more than the original purchaser.

Mr. MADDEN. What is the average price fixed for coal lands?

Mr. MONDELL. The law fixes it at $10 and $20 as a minimum. The department has gradually increased the price until the highest price is $75 an acre. In some few cases there would be an increase.

Mr. MADDEN. Then there would be a vast amount of revenue come into the Treasury of the United States if the Government receives $10, $20, or $75 per acre.

Mr. MONDELL. But if the actual entryman had already paid the coal-land price, and it shall be taken by the Government, it would have to be paid back by the Government again, unless fraud were proven.

Mr. MADDEN. But it is only fair to assume that they would not sell it at the same price.

Mr. MONDELL. Oh, in some cases there would be an increase. If it was mineral land, the price is $2 to $5 an acre. And homesteads are free, so that there is no income to the Government from the recovery of these lands.

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

Mr. MONDELL. I will yield, although my five minutes are fast going.

Mr. MANN. Yes; but the gentleman has had twenty minutes, The gentleman has furnished a valuable report here in which one case is stated where 300 acres of mineral land of the value of $15,000,000 is involved. Does the gentleman state under existing law if the Government should prevail in that suit against the Central Pacific Railroad Company and deprive the railway company of these 300 acres of land, valued at $15,000,000, that Jim Smith and John Jones could take title to it on the payment of these small amounts?

Mr. MONDELL. If it is metalliferous mineral land, there are only two laws——

Mr. MANN. It is an easy question to answer. Is it a fact——

Mr. MONDELL. I propose to answer it in my own way.

Mr. MANN. I want the gentleman to answer it so that I can understand; the gentleman has consumed twenty minutes and I have not understood him yet.

Mr. MONDELL. I am not responsible for the gentleman's lack of understanding.

Mr. MANN. But the gentleman is responsible for the lack of explicitness in statement.

Mr. MONDELL. Now, Mr. Chairman, there are two laws under which lands known to contain metalliferous mineral are acquired. One is the lode law and the other is the placer law. The placer locator pays $2.50 an acre and the lode locator pays $5 an acre. I hope that is clear.

Mr. MANN. It is not clear at all. Here are 300 acres of land which this report says are valued at $15,000,000, and does the gentleman state that under existing law that 300 acres of land can be taken by anybody at a total cost of $1,500?

Mr. MONDELL. If it is mineral land; yes.

Mr. MANN. Then, the gentleman's committee had better get busy and change the law. I think it is subject to severe criticism. If there is a law on the statute book under which we can take title from a railway company of land valued at $15,000,000, which John Jones can get for $1,500, the committee of which the gentleman is chairman ought to report a bill to change it.

Mr. MONDELL. The mineral-land laws have been in force for many years and have been upheld by public sentiment everywhere. If the land the gentleman refers to is coal land—and I do not know whether it is coal land or not or whether it is metalliferous mineral land—if it is, it is subject to entry at $2.50 to $5 per acre and would bring from $750 to $1,500. If it is coal land, the law allows the Secretary of the Interior to increase the price at his discretion. He could sell that coal land for more than it sold for originally, but to talk about that land having a value of $300 an acre is ridiculous.

Mr. MANN. Fifteen million dollars for 300 acres.

Mr. MONDELL. You can buy better coal land than any in that region in Virginia, Tennessee, or Kentucky, or anywhere, where they have coal lands for $25 or $30 an acre, but, as I said, if this is mineral and not coal land that they refer to Uncle Sam will sell it for $2.50 or $5 per acre.

Mr. WILSON of Pennsylvania. Mr. Chairman, is it not a fact that not only the quality of the coal has to be taken into consideration in determining the price, but the availability of the markets?

Mr. MONDELL. Yes; and the market is very limited there, as the gentleman knows. We mined 6,000,000 tons in my State last year. We could just as well mine 200,000,000 tons per annum if we had a market.

Mr. WILSON of Pennsylvania. And the Secretary of the department would have the right to take those things into consideration in fixing the price?

Mr. MONDELL. He does take them into consideration in fixing the price.

Mr. WILSON of Pennsylvania. And if a claimant on these lands settling upon them is required to vacate, would he not also have the right to enter, just as any other one would have the right to enter, those as coal lands?

Mr. MONDELL. Yes.

Mr. WILSON of Pennsylvania. And purchase the same.

Mr. MONDELL. Mr. Chairman, I hope this appropriation will prove valuable and effective in closing the many cases now before the department. We of the West hope and trust that the department will use this appropriation, not for the creation of new cases, but for the settlement of old cases.

Mr. MADDEN. The gentleman would not object to having new cases opened if there were cases to be discovered.

Mr. MONDELL. Certainly not; but we do object to having new cases where the facts do not warrant.

The CHAIRMAN. The gentleman's time has again expired.

The Clerk read as follows:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, and to furnish local land offices with the same, $3,500.

Mr. FINLEY. Mr. Chairman, I move to strike out the last word. I would like to inquire of some gentleman on the committee, or the gentleman from Wyoming [Mr. MONDELL], about what is the cost for furnishing an official plat of surveys where they have been defaced? My information is that the cost is sometimes quite large.

Mr. SMITH of Iowa. This appropriation is simply a loan, and this money, when the plats are sold, is refunded to the Treasury.

Mr. FINLEY. I understand that; but what are the charges? Are not the charges exorbitant in many cases?

Mr. MONDELL. I understand a transcript of the township plats costs from $2.50 to $4.

Mr. FINLEY. That is for each township?

Mr. MONDELL. Yes.

Mr. FINLEY. Would that cover every plat of land in that township?

Mr. MONDELL. That would cover all the subdivisions of the township, but the department is now preparing photolithographic maps of the townships, which are sold for 25 cents each, and they prepare those plats from an appropriation carried somewhere in this bill of those townships where there is any considerable demand for plats.

Mr. FINLEY. I withdraw the pro forma amendment.

The Clerk read as follows:

Examinations of desert lands: To enable the Secretary of the Interior to examine, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section 4 of the act of Congress approved August 18, 1894, $1,000: *Provided*, That if such examinations be made by detailed clerks or employees of the department, they shall be entitled to actual necessary expenses for transportation, including necessary sleeping-car fares and not exceeding $3 per day in lieu of subsistence.

Mr. FINLEY. I reserve the point of order on that proviso. I would like to ask the chairman of the committee if that is a change in existing law.

Mr. SMITH of Iowa. It is not a change.

Mr. FINLEY. Is it new law?

Mr. MANN. It is in the present law.

Mr. FINLEY. Has the gentleman any information as to what the annual expenditure is?

Mr. MANN. It says not to exceed $3 per day.

Mr. FINLEY. What is the total of the amount?

Mr. MANN. It is limited to $1,000 for the year.

Mr. SMITH of Iowa. The whole appropriation is limited to $1,000 for the year.

Mr. FINLEY. I withdraw the point of order.

The Clerk read as follows:

Transcripts of records and plats, General Land Office: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, $18,720: *Provided*, That persons employed under this appropriation shall be selected by the Secretary of the Interior, at a compensation of $60 per month each, and shall be entitled to the same leave of absence or leave for sickness with pay as is allowed by law to other employees of the executive departments: *Provided further*, That not more than one-twelfth of this appropriation shall be expended in any one month of the year for which it is available.

Mr. MANN. Mr. Chairman, I make the point of order on the first proviso. I believe I gave notice last year that I would.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. SMITH of Iowa. These are people that are not in the classified service down there, but maintained as a temporary force, but maintained through several years.

Mr. MANN. I may say to the gentleman that I think it was the second year I was in the House, and I have been here now for twelve years, I had that struck out on a point of order. It has been a permanent force for that length of time, to my certain knowledge, now made permanent by the second provision.

Mr. SMITH of Iowa. The gentleman means the proviso?

Mr. MANN. "That not more than one-twelfth of this appropriation shall be expended in any one month of the year for which it is available."

Mr. SMITH of Iowa. That was in it last year?

Mr. MANN. Yes.

Mr. SMITH of Iowa. Mr. Chairman, it is subject to the point of order if the point of order is made.

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

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. And I also move to strike out the word "further" in the second proviso.

The CHAIRMAN. Without objection, that amendment will be agreed to.

There was no objection.

The Clerk read as follows:

Opening Indian reservations (reimbursable): The appropriation of $25,000, act of Congress approved May 31, 1906, to meet the expenses of opening to entry and settlement during the fiscal years 1906, 1907, 1908, and 1909 the ceded lands within Indian reservations, is hereby continued and made available to meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1910: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of said appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively.

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

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out all of lines 23, 24, and 25, on page 108; also lines 1, 2, 3, 4, 5, 6, and all of line 7 except the word "provided" on page 109, and insert in lieu thereof the following: "to meet the expense of opening to entry and settlement ceded lands within Indian reservations, $25,000, or so much thereof as may be necessary."

Mr. HACKNEY. Mr. Chairman, the purpose of that amendment is to make this appropriation effective. By an oversight, it seems to me, in the language of the appropriation as made it is practically nugatory. It comes in a very peculiar way. In 1906 an urgent deficiency appropriation of $25,000 was made to pay the cost of entry and settlement of certain Indian reservations—the Flathead, the Crow, the Yakima, and Shoshone, Then next year, they not having consumed all of this appropriation, Congress provided it might be expended to cover Indian reservations that would be opened up next year, and so on from year to year they have kept it in force.

I find from the hearings that of that $25,000 they expended something like $18,000 on the Crow Reservation and over $6,000 on the Rosebud Reservation, so that there is practically none of the original appropriation left. Now, then, a number of reservations will be opened up during the next fiscal year, and there ought to be an appropriation available to meet the expenses of opening the land to entry and settlement. In order to make it effective, I have offered the amendment making the appropriation in better form. I see from the Book of Estimates the Secretary recommended that this appropriation be made a continuing appropriation. The amendment will simply put it in proper form.

Mr. SMITH of Iowa. Mr. Chairman, I see no objection to the amendment.

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

The Clerk read as follows:

For engraving and printing the geological maps, $100,000.

Mr. COOPER of Pennsylvania. Mr. Chairman, I want to call the attention of the chairman of the committee that I propose to offer an amendment after line 4, page 116, and as there are some items of dispute on the Geological Survey, that will come in a different place. I ask that this item be passed without prejudice.

Mr. MANN. Which item?

Mr. COOPER of Pennsylvania. I want to offer an amendment, after line 4, page 116, to provide for fuel tests.

Mr. NORRIS. Is that the place for fuel tests?

Mr. SMITH of Iowa. I think it ought to be offered at the end of line 9, but in order to perfect the text before it is passed, I desire to offer the following amendment, and then let the next paragraph be read.

Mr. COOPER of Pennsylvania. Then, I will offer my amendment at line 9.

The CHAIRMAN. The Chair would ask the gentleman from Iowa whether in line 3 there is a word missing, as there seems to be a space.

Mr. SMITH of Iowa. There is nothing the matter there.

The Clerk read as follows:

For the continuation of the investigation of the structural materials belonging to and for the use of the United States, such as stone, clays, cement, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $70,000.

Mr. SMITH of Iowa. Now, I offer the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 116, line 6, insert, after the word "materials," the word "both."

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

The CHAIRMAN. Now, the gentleman from Pennsylvania offers an amendment.

Mr. COOPER of Pennsylvania. Just before that, Mr. Chairman, please, I think, I want to offer an amendment there to change the word "seventy" to "one hundred," before that is passed.

Mr. NORRIS. I was going to offer that amendment myself.

Mr. COOPER of Pennsylvania. And consider it as pending?

Mr. SMITH of Iowa. Let the gentleman from Nebraska offer his amendment and let it be pending.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

Mr. NORRIS. Mr. Chairman, I offer the following amendment: In line 9, page 116, strike out the word "seventy" and insert the words "one hundred and twenty-five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 116, line 9, strike out "seventy" and insert "one hundred and twenty-five," so that it will read "$125,000."

The CHAIRMAN. Now the Chair understands the gentleman from Pennsylvania to ask unanimous consent that the paragraph with that amendment pending may be passed without *prejudice*. Is that correct?

Mr. CAMPBELL. Mr. Chairman, reserving the right to object to unanimous consent, I should like to ask the purpose of passing this over.

Mr. SMITH of Iowa. The purpose of passing this over is manifold. We are anxious to get the reading of this bill completed as rapidly as possible, and the second reason is that Mr. DALZELL, whom I had in mind, is absent, who desires to be heard, and there are others in that situation.

Mr. NORRIS. Quite a number have gone away with that understanding.

Mr. CAMPBELL. If any Member interested is unavoidably absent I have no objection to passing the matter over.

Mr. MACON. With that understanding, I object. If gentlemen can not stay here and attend to their business I object to matters going over to wait for them.

Mr. SMITH of Iowa. Mr. Chairman, I move that the item be passed without prejudice.

Mr. MACON. Mr. Chairman, I make a point of order against the motion.

The CHAIRMAN. It requires unanimous consent.

Mr. NORRIS. Will the gentleman from Arkansas [Mr. MACON] withhold his objection?

Mr. MACON. No, sir; under no circumstances will I do it on the ground that Members are away from their post of duty.

Mr. NORRIS. It is not on that ground.

Mr. MACON. Mr. Chairman, that is what the gentleman stated.

Mr. NORRIS. Will the gentleman withhold it until I can explain what I know about it?

Mr. MACON. No, sir; I will not, unless it can be shown that Members who are away from the House and want this matter carried over for their accommodation can furnish a good reason for their absence.

Mr. STANLEY. I think my good friend from Arkansas misapprehends. The gentleman is sick and necessarily absent. The gentleman from Pennsylvania [Mr. DALZELL] is usually most faithful in his attendance.

Mr. MACON. I have been advised that the gentleman is attending a dinner party.

Mr. COOPER of Pennsylvania. I want to call the attention of the gentleman from Arkansas to the fact that the chairman of the committee was requested to consent that these items be passed over without prejudice, and it was with his consent——

Mr. MACON. While I have a very high regard for any consent that the chairman of the committee may have given the gentleman, still, there are other Members in this House who are entitled to some consideration along that line themselves, and one consent does not carry the consent of the House, by any manner of means.

Mr. COOPER of Pennsylvania. I agree with the gentleman that that is true, but I do not feel that it is necessary for any Member to take upon himself the responsibility for legislation.

Mr. MACON. I do not think any Member is doing that.

Mr. MADDEN. There is no reason why the men who are not here should not be here as much as we are.

Mr. MACON. I want to ask the gentleman from Pennsylvania [Mr. COOPER] what he means when he says that "he does not feel that it is necessary for any Member to take the responsibility for legislation?"

Mr. COOPER of Pennsylvania. Every Member has an equal right to be here when he can. And the gentleman from Pennsylvania [Mr. DALZELL] is not well.

Mr. MACON. I do not want the gentleman to insinuate that because I object to passing this matter I am endeavoring to take the responsibility for legislation upon myself. I am simply exercising the right that I have under the law and the rules of this House, and the gentleman has no right to question my action.

Mr. KEIFER. I make no reflection on the gentleman.

Mr. COOPER of Pennsylvania. I make no reflection, so far as that is concerned.

Mr. KEIFER. Allow me to make this suggestion. The gentleman from Pennsylvania [Mr. DALZELL] was quite ill.

Mr. MACON. I have understood so, and is attending a dinner somewhere now.

Mr. KEIFER. No; he was hardly able to be here. He stayed as long as he could, and then said he was obliged to go home and go to bed, and then he talked to the chairman of the committee——

Mr. MACON. The chairman of the committee has not said to the Committee of the Whole that the gentleman from Pennsylvania [Mr. DALZELL] came to him and told him he was sick and had to go home and go to bed.

Mr. KEIFER. If he was here, he would tell the gentleman. The chairman is temporarily out of the hall. I think the gentleman from Iowa [Mr. SMITH] knows about that arrangement.

Mr. COOPER of Pennsylvania. This has been a long session. It began at 10 o'clock this morning——

Mr. MACON. And I have been right here since 10 o'clock this morning.

The CHAIRMAN. Is there objection?

Mr. MACON. I object.

Mr. SMITH of Iowa. Mr. Chairman, I think perhaps there is one matter that has not been called to the gentleman's attention, and I am satisfied that he does not want to interfere with the carrying on of the business of the House. Now, if this matter is brought up again, it is doubtful whether there is a quorum of the committee here. It is doubtful if he can proceed to-night without unanimous consent. A week from this noon this Congress adjourns. It is of the utmost importance to the public welfare that this bill should be passed, go to the Senate, and get into conference if it is to become a law before next Thursday noon.

It seems to me that if the gentleman will reflect upon this he will see that his duty to the country requires, whatever personal feeling he may have, he should surrender that feeling in order to expedite this business and let these disputed items go over until to-morrow.

Mr. MACON. I desire to state to the gentleman that I have been here all day long, and I have not disturbed the deliberations of the committee one time during its session.

Mr. SMITH of Iowa. That is right.

Mr. MACON. Out of deference to the fact that we are close to the end of the session and all of us want to get through with this bill, and hence I have not taken up a single moment of the time of the committee. So when Members tell me we ought to delay the progress of this bill for the purpose of awaiting the return of some one who has deliberately absented himself from the House and is not here to discharge his duties as a Representative, I say that it is unreasonable, and that is why I object.

Mr. TAWNEY. Let me interrupt the gentleman from Arkansas. It was not Mr. DALZELL's purpose to leave the House deliberately. Mr. DALZELL has not left the House because of any social engagement or anything of that kind, but because of his physical condition, which made it impossible for him to *remain*. He was in hopes, if the items were postponed until the end of the bill, that he would be able to be here and assist in the consideration. His constituents are deeply interested in these three items, and it was out of respect for that gentleman that I said if I could, in so far as I was able, I would have the consideration of the items postponed.

Mr. MACON. Does the chairman of the committee state that Mr. DALZELL was sick, and is not here because of that fact?

Mr. TAWNEY. Mr. DALZELL said: "I am physically unable to remain."

Mr. MACON. That he was sick, and is not here for that reason?

Mr. TAWNEY. That is the reason he is not here.

Mr. MACON. And that is the only reason?

Mr. TAWNEY. And that is the only reason he gave; and it is in the hope that he may be here in the consideration of the items that we ask that they be postponed.

Mr. MACON. That puts a different phase on the matter. If he had deliberately absented himself from the discharge of his duties, under no circumstances, Mr. Chairman, would I have withdrawn the objection; but his being sick makes it entirely different. I appreciate that fact thoroughly, and will very gladly withdraw my objection.

The CHAIRMAN. The objection is withdrawn. The paragraph is passed without prejudice.

Mr. COOPER of Pennsylvania. Mr. Chairman, how far will this agreement go? How far will it carry over this bill?

The CHAIRMAN. Nothing further has been read. There is no agreement as to any other paragraph.

Mr. SMITH of Iowa. Let the agreement go as to the paragraph including fuel tests, which will be offered immediately following the paragraph which we have just been discussing.

Mr. DOUGLAS. Let it go to the item at the bottom of the page.

Mr. COOPER of Pennsylvania. Let it also cover the item for mine disasters. Let us pass that, and make an agreement.

The CHAIRMAN. When a paragraph is passed without prejudice, there is no hindrance to offering as many amendments as gentlemen desire to.

The Clerk read as follows:

For continuing the investigations as to the causes of mine explosions with a view to increasing safety in mining, to be immediately available, $100,000.

Mr. DOUGLAS. Mr. Chairman, I move to amend by striking out the words "one hundred" and inserting the words "one hundred and fifty," so that it will read "one hundred and fifty thousand."

Mr. TAWNEY. Pending that amendment, I ask that this paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that this paragraph and pending amendments be passed without prejudice.

Mr. MACON. I would like to know the reason for this paragraph being passed.

The CHAIRMAN. Is there objection?

Mr. OLLIE M. JAMES. Reserving the right to object, I would like to ask what is the necessity for passing it?

Mr. SMITH of Iowa. That has already been detailed to the House. The gentleman from Pennsylvania [Mr. DALZELL] and a number of other gentlemen who are interested in these three items desire that they be passed.

Mr. MACON. Mr. Chairman, I want to say to the gentleman from Iowa we do not want him to enlarge too much upon the reason for the passing of the paragraph to-night.

Mr. SMITH of Iowa. I do not want to enlarge it. These three items all stand on the same footing.

Mr. MACON. I am willing to withhold objection, because Mr. DALZELL is sick; but if it is to be passed for some one else that is away and not sick, I will object.

Mr. OLLIE M. JAMES. Of course, if any gentleman is unavoidably absent, and it is passed over for the purpose of enabling him to be here later, I shall not object.

Mr. GARRETT. I will ask the gentleman from Iowa if it is expected to finish this bill to-night?

Mr. SMITH of Iowa. Not these items, but we want to go as far as possible, and get through with the undisputed matters to-night if we can.

The Clerk read as follows:

In all, for the United States Geological Survey, $1,162,390.

Mr. SMITH of Iowa. Mr. Chairman, that being a total, I ask that it be passed with the other items to which it belongs.

The CHAIRMAN. Is there objection to the request?

There was no objection.

The Clerk read as follows.

MISCELLANEOUS OBJECTS, DEPARTMENT OF THE INTERIOR.

Supreme Court reports: To pay the publishers of the decisions of the Supreme Court for 270 copies of volumes 214 to 218, inclusive, official edition, at $2 per volume, $2,700.

Mr. STANLEY. I should like to ask the gentleman in charge of the bill what these 270 volumes are, and for whom they are?

Mr. SMITH of Iowa. They are for the judges and other parties entitled to copies of the decisions of the Supreme Court, in accordance with express statutes.

A MEMBER. What Supreme Court?

Mr. SMITH of Iowa. There is but one Supreme Court that is recognized in connection with the Government of the United States.

The Clerk read as follows:

Care and custody of the insane of Alaska: For the care and custody of persons legally adjudged insane in the district of Alaska, including transportation and other expenses, $50,000.

Mr. GAINES of Tennessee. What provision is made for the insane in Alaska?

Mr. SMITH of Iowa. They are brought to the United States and cared for by contract.

Mr. GAINES of Tennessee. Has the Government made no provision whatever for taking care of the insane in Alaska?

Mr. SMITH of Iowa. No; except to bring them home to continental United States.

Mr. MANN. And taking care of them.

Mr. GAINES of Tennessee. I am surprised that no insane asylum has been erected in Alaska.

Mr. SMITH of Iowa. There is no place where an asylum could be built up there where they would be comfortable through the long darkness and cold of winter.

Mr. MANN. I will suggest to the gentleman that they could not very well build a big enough asylum, for it would have to include the entire population. No one goes there who is sane. [Laughter.]

Mr. GAINES of Tennessee. The President-elect is going there next summer. Now, as to the climate, I understand there are places in Alaska where flowers and vegetables grow——

Mr. GARRETT. And onions.

Mr. GAINES of Tennessee. Yes; everything that is good.

Mr. MANN. They grow luxuriantly—in the government reports.

Mr. SMITH of Iowa. I will say to the gentleman that we have a contract to take care of the Alaska insane here in the United States.

Mr. GAINES of Tennessee. There are a great many of our own people in Alaska. We have owned that country ever since Andrew Johnson was President, and yet we have never built an insane asylum up there. We have built railroads and towns, and sent deer up there—reindeer—and the real dear goes there, and made appropriations to take care of the Indians and other people otherwise, and yet we have no insane asylum there. We bring those unfortunate people away off down here at great expense. It seems to me in that country of trees and sawmills and railroads and diamonds——

Mr. ROBINSON. And Eskimos.

Mr. GAINES of Tennessee. And Eskimos. We ought to build at least a temporary insane asylum. I hope it will be done. It ought to be done.

Mr. MACON. Does not the gentleman think it would be cruelty to keep helpless people up in that cold climate through the long winters?

Mr. GAINES of Tennessee. Well, I do not know about that.

The Clerk read as follows:

Protection of game in Alaska: For carrying out the provisions of an act approved May 11, 1908, entitled "An act for the protection of game in Alaska, and for other purposes," including salaries, traveling expenses of game wardens, and all other necessary expenses, $5,000, to be expended under the direction of the governor of Alaska.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 119, line 10, strike out "five" and insert "ten," so that it will read "$10,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I do not desire to take up the time of the committee very long.

Mr. MANN. I had intended to make a point of order against that provision, but I will not.

Mr. SMITH of Iowa. I will say that the committee acquiesces in this amendment and recommends its adoption.

Mr. MACON. Mr. Chairman, I was on my feet for the purpose of reserving a point of order.

The CHAIRMAN. The Chair did not observe the gentleman from Arkansas.

Mr. MACON. I understand that, but I was trying to attract the attention of the Chair, nevertheless.

The CHAIRMAN. If the gentleman says he was on his feet, endeavoring to secure recognition——

Mr. MACON. Yes; as soon as the amendment was read.

The CHAIRMAN. Oh, to the amendment.

Mr. MACON. Yes.

The CHAIRMAN. But it was not the gentleman's purpose to make a point of order to the paragraph in the bill?

Mr. MACON. Yes; to the paragraph in the bill as well as the amendment.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. MACON. I want to reserve the point of order to ascertain the reason for the paragraph. I do not care to make a point of order captiously.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The Chair will state that the gentleman from Arkansas has the floor. Does the gentleman from Arkansas yield?

Mr. MACON. I will yield to the chairman of the committee to state the reason for this appropriation.

The CHAIRMAN. The first question is on the point of order.

Mr. MACON. Then I will ask the gentleman from Iowa to state the reason for this provision.

Mr. SMITH of Iowa. There is a statute providing for the protection of game in Alaska, and this is in pursuance of that statute, which provides for issuing licenses, the fixing of a closed season except for the natives for actual consumption; and this is a provision to carry out the law.

Mr. HUMPHREY of Washington. I have the law here, and it says "the amount necessary for the enforcement of this act shall be estimated for annually by the Agricultural Department and appropriated for, including the employment and salary to be paid to the game wardens herein authorized.

Mr. MACON. And this appropriation is made under that law for the protection of game?

Mr. HUMPHREY of Washington. Yes.

Mr. MACON. Then this is authorized by existing law?

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. How did it come in this bill, if it is to be estimated for by the Agricultural Department?

Mr. SMITH of Iowa. Because it is expended by express statute by the governor of Alaska and not by the Secretary of Agriculture.

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

Mr. MACON. I do.

Mr. GAINES of Tennessee. I renew the point of order.

Mr. SMITH of Iowa. It is not subject to a point of order.

The CHAIRMAN. Does the gentleman from Tennessee desire to discuss the point of order?

Mr. GAINES of Tennessee. I reserved it.

Mr. SMITH of Iowa. I want the point of order made.

Mr. GAINES of Tennessee. Very well; I will make the point of order.

The CHAIRMAN. The Chair is ready to rule, and the Chair overrules the point of order.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I want to be heard on the amendment.

The CHAIRMAN. The Chair will hear, first, the gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Chairman, as I started to say, I do not desire to take but a very few moments, because when the matter was called to the attention of the committee they agreed with me that an appropriation of $5,000 to cover this vast territory, that contains over 586,000 square miles, was simply absurd. I have asked them to make this slight increase so that we could put 1 warden at Fairbanks, where they are killing a great many caribou. I have had letters saying that they are killing unlawfully a large number and that one man had killed over 300. Then, there ought to be 2, at least, on the Kenai Peninsula, 1 on the east side and 1 on the west side. This is the chief game portion of Alaska, where the great moose are. Then, there ought to be 1 on Kadiak Island, where there are many bear, and 1 out on the Alaskan Peninsula, where there are a good many caribou and bear and where a great many hunters go.

This would still leave unprotected southeast Alaska, where there is a great deal of game, but for $10,000 we can only make a start. If you enforce the law, it will be economy. Unless the law is enforced hunters will discover that it is cheaper to evade the law than to pay a license. If the law is enforced, it will pay all expenses necessary for this purpose.

Mr. MANN. To whom is the license paid?

Mr. HUMPHREY of Washington. It is paid into the National Treasury. That is the reason why this provision was inserted.

Mr. MANN. That is certainly a very proper thing to do.

Mr. HUMPHREY of Washington. I will say that after talking with the chairman of the Appropriation Committee I consented that that change might be made in the bill that became a law.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. COX of Indiana. If I remember correctly, the law on which this appropriation is sought to be based was introduced by the gentleman from Washington himself?

Mr. HUMPHREY of Washington. Yes.

Mr. COX of Indiana. The appropriation bill carries $5,000 for the support and maintenance of the law?

Mr. SULZER. That is correct.

Mr. HUMPHREY of Washington. That is for the enforcement of that law; yes.

Mr. COX of Indiana. How much do these game inspectors cost?

Mr. HUMPHREY of Washington. We have not had any yet.

Mr. SULZER. The governor of Alaska has not appointed any yet.

Mr. COX of Indiana. Can the gentleman give some idea of about how much they cost?

Mr. MANN. They will cost $10,000 if the gentleman's amendment prevails; and if it does not, they will cost $5,000.

Mr. COX of Indiana. I want to know how much is paid to each individual inspector per year.

Mr. HUMPHREY of Washington. The department estimates it will cost about $2,000 to pay for an inspector, and probably $300 a year for traveling expenses. I have a letter from the Department of Agriculture in which they say for $5,000 they can procure two.

Mr. COX of Indiana. Then this $10,000, if it obtains, will employ five inspectors?

Mr. SULZER. At least that.

Mr. HUMPHREY of Washington. At least that; and that would cover the main points that ought to be protected.

Mr. COX of Indiana. All to protect some moose out there?

Mr. OLLIE M. JAMES. That will be two more than the gentleman wants. I understand him to say he just wants three.

Mr. HUMPHREY of Washington. The gentleman did not understand me correctly.

Mr. MADDEN. How much do they pay them?

Mr. HUMPHREY of Washington. They have not appointed any yet.

Mr. MANN. The gentleman may be sure there will be no money covered into the Treasury.

Mr. HUMPHREY of Washington. Well, why should there be?

Mr. MANN. I do not think there ought to be.

Mr. HUMPHREY of Washington. Why take money belonging to Alaska to pay the general expenses of the Government?

Let me make a comparison between Alaska and a few of the States in regard to game protection: Wyoming has 97,800 square miles. It employs 28 game wardens and expends about $50,000 annually in the enforcement of its game law. Michigan has 58,000 square miles and 41 game wardens. Montana employs 14 game wardens. Alaska with its thousands of miles of shore line and 586,400 square miles of territory, the last great game preserve this Nation possesses, is given the pitiful sum of $5,000 to enforce its game law. The people of Alaska have a right to feel that they are not justly treated in this matter. The appropriation should have been $50,000. I trust, however, that if the increase is given that, with this $10,000, a sufficient sum may hereafter be collected to properly enforce this law. The enforcement of this law means not only the preservation of the game, but it will tend to prevent the extermination by starvation of the natives of that Territory. I insert in the RECORD a statement upon this question that I have received from Doctor Merriam, Chief of the Biological Survey, Department of Agriculture:

MEMORANDUM REGARDING GAME-WARDEN SERVICE IN ALASKA.

Alaska has an area of 586,400 square miles and a population of nearly 100,000. It is obviously impossible to enforce game laws adequately over such an immense expanse of territory with its people so widely scattered and at points so difficult of access. All that can be done is to protect the game in certain exposed localities and to regulate shipment of game from the Territory.

(1) One warden should be stationed throughout the year on the Kenai Peninsula, which, owing to its accessibility and the variety of its game, is the favorite hunting ground of visitors to Alaska. In addition there should be one warden for each of the three divisions into which the judicial district of Alaska is divided. Competent men must be paid a salary of at least $1,500 and probably $2,000 each. The traveling expenses will be at least $1,000 per year per warden, as each warden will have a large territory to cover and as transportation is difficult and expensive. An appropriation of $5,000 will provide for but two wardens, and if one of these is stationed on the Kenai Peninsula, there will be practically but one warden available for the rest of the Territory. An appropriation of $10,000 will provide a warden for the Kenai Peninsula and three additional officers who can each have a definite part to watch and a special district to patrol.

(2) Five thousand dollars is less than the sum appropriated by most of the States which maintain a warden service. Following are the amounts provided for warden service in a few of the States which have big game:

Michigan, with an area of 58,915 square miles and a population of about 2,600,000, provides 1 game, fish, and forestry warden, at $3,000

and expenses; 1 chief deputy, at $1,500 and expenses; and 1 general deputy, at $1,200 and expenses. In 1908 it employed (on a per diem basis) 41 deputy wardens, at a total cost of $21,000, and paid for their expenses, approximately, $14,000. The total cost of the warden service in Michigan for the past year was, approximately, $46,000.

Montana, with an area of 146,000 square miles and population of about 305,000, provides 1 game and fish warden at a salary of $2,400 and $2,000 for expenses. It also provides for 12 special deputies at $1,500 each and $300 each for expenses.

Wyoming, with an area of 97,890 square miles and a population of about 105,000, provides 1 state warden at a salary of $1,500 and an allowance of $200 for traveling expenses; 3 assistant wardens, at $900 each; and 1 or more special wardens for each of the 13 counties; in all, at least 17 wardens. In 1908 the number of special wardens employed was 24, making a total warden force of 28 officers.

(3) Attention is called to the fact that the present bill carries an appropriation of $12,000 for maintenance of the domesticated reindeer in Alaska, but only $5,000 for the protection of the enormous herds of wild reindeer or caribou, moose, sheep, deer, and goats, all of which are immensely valuable as a permanent food supply for the natives and settlers in Alaska. Alaska is the only region in the United States where big game is absolutely necessary for food and clothing. It has, therefore, more urgent necessity than any other for preserving its big game. Laws must be enforced to be effective, and enforcement is impossible without adequate warden service.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman has not taken occasion to state that a single one of these murderers of the caribou has been indicted. [Laughter.]

Mr. SULZER. These are not cari-bow; they are cari-boo.

Mr. GAINES of Tennessee. Well, cari-boo, then. [Laughter.] Does the gentleman go on the idea that if we will get some men up there to look around after the caribou, these people up there will cease to disobey the law? Now, I want to say to him that I helped to make the jury laws of that Territory and its code; that I have voted to give you three or four district judges up there to enforce the laws, and I have always helped Alaska in every way I could with propriety, although the Delegate is not here to ask for this.

Mr. CAMPBELL. His representative is here.

Mr. GAINES of Tennessee. And yet, Mr. Chairman, we do not find that a single one of the violators of the law of Alaska has been indicted for invading the very severe criminal laws of that Territory. They simply want more salary, they want more political gifts, more loaves and fishes to deal out to somebody to go up there and sit around and let the law go to sleep on the statute books, and permit the same depredations, perhaps, that are now being committed. Where are the district judges, that they have not charged the grand jury to enforce the law? Are we to go along here and buy people not to disobey the law, or shall we see it faithfully enforced? [Applause.]

Mr. HUMPHREY of Washington. That is what I want to get the inspectors for—so that we can enforce the law.

Mr. GAINES of Tennessee. Why didn't you see that the district courts and the grand juries and the district attorneys have done their duty instead of coming here and begging us, with a deficit in the Treasury, for $5,000? [Applause.] You do not practice what you preach, gentlemen. [Applause.] I want to say to you gentlemen that that sort of child's play does not deter me from pointing out to you your delinquencies and your sins—not the least. Mr. Chairman, I say that this appropriation ought not to be allowed. They have not showed a single reason for it. All they are killing up there is this immense animal, the caribou; and yet the Delegate himself has not asked for it; Secretary Wilson has not asked for it; the President has not asked for it; the Attorney-General nor the judges nor anybody has asked for it except the gentleman who lives in Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. You are mistaken about that.

Mr. GAINES of Tennessee. You did not state they did.

Mr. HUMPHREY of Washington. I could not state everything in five minutes, especially when you were taking up part of my time.

Mr. GAINES of Tennessee. I did not take up any of your time. I always give you all the time and all the rope you want, and in this case you have hung yourself, and you have given no reason—— [Laughter and applause.]

Mr. HUMPHREY of Washington. Mr. Chairman——

Mr. GAINES of Tennessee. Mr. Chairman, I decline to be interrupted by anybody who purposely treats me discourteously.

Mr. HUMPHREY of Washington. I want to apologize——

Mr. GAINES of Tennessee. I decline to accept your apology. It was willful, sir—as many times as I have been courteous to you throughout your congressional career.

Mr. MANN. Mr. Chairman, I call both gentlemen to order.

The CHAIRMAN. The gentleman from Tennessee must not address Members of the House in the first person directly. The time of the gentleman has expired.

Mr. CHANEY. Mr. Chairman, I desire to ask the gentleman from Washington a question. I see that the appropriation last year was $9,000.

Mr. HUMPHREY of Washington. No; there has not been an appropriation before; this is the first appropriation.

Mr. CHANEY. I see in the hearings they ask an appropriation of $3,000 less than it was last time.

Mr. HUMPHREY of Washington. I do not know what it was; there has not been an appropriation. The gentleman must be thinking of reindeer in Alaska. You are on the wrong paragraph.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. GARRETT and Mr. OLLIE M. JAMES. Mr. Chairman, a division.

The committee divided, and there were—ayes 74, noes 32.

Mr. OLLIE M. JAMES. Mr. Chairman, tellers.

Mr. GAINES of Tennessee. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. One hundred and six Members have voted. The gentleman from Kentucky demands tellers.

Tellers were ordered.

The committee again divided, and the tellers (Mr. SMITH of Iowa and Mr. OLLIE M. JAMES) reported—ayes 85, noes 34.

So the amendment was agreed to.

The Clerk read as follows:

Yellowstone National Park: For the administration and protection of the Yellowstone National Park, $5,500.

For procuring feed for buffalo, salaries of buffalo keepers, $2,500.

Mr. OLLIE M. JAMES. Mr. Chairman, I should like to ask the chairman of the committee what is the necessity for the appropriation here of $2,500 for feed of buffalo and salary of buffalo keepers? I would like to know what the salary of a buffalo keeper is and what the feed costs, to see whether or not the Government is getting "buffaloed" in this matter.

Mr. SMITH of Iowa. The salary of the buffalo keeper is $1,200 a year and that of the assistant keeper is $720.

Mr. OLLIE M. JAMES. What is the necessity?

Mr. SMITH of Iowa. I do not know how the gentleman can expect them to take care of the buffalo and protect them from destruction in that great park, which is one of the great places where we still have a number of buffalo preserved.

Mr. OLLIE M. JAMES. And $1,200 is the salary of the keeper?

Mr. SMITH of Iowa. For the chief keeper, and $720 for the assistant.

Mr. OLLIE M. JAMES. And there are two men up there?

Mr. SMITH of Iowa. Two men there in charge.

Mr. GARRETT. What do the buffalo get?

Mr. MANN. They get taken care of.

Mr. SMITH of Iowa. They get care and food.

Mr. OLLIE M. JAMES. How many buffalo have we there?

Mr. SMITH of Iowa. I can not give the exact number; but a year ago the number increased so that it was considered to be too large to keep in one portion of the park and they had to divide the herd, so there must be quite a number.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out lines 15 and 16, providing "for procuring feed for buffalo, salaries of buffalo keepers, $2,500."

Mr. SMITH of Iowa. Well, vote on that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 119, strike out lines 15 and 16.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Government Hospital for the Insane: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military and naval service of the United States who have been admitted to the hospital and who are indigent, including purchase, maintenance, and driving of necessary horses and vehicles and of horses and vehicle for official use of the superintendent, $322,300; and not exceeding $1,500 of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding $1,000 may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital, and not exceeding $1,500 for actual and necessary expenses incurred in the apprehension and return to the hospital of escaped patients.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. Now, in the utmost seriousness, this item carries an increase of $96,500 over last year's appropriation.

Mr. SMITH of Iowa. Mr. Chairman, I do not understand to what the gentleman refers as carrying an increase of $96,000.

Mr. GARRETT. Ninety-six thousand five hundred dollars.

Mr. SMITH of Iowa. For what?

Mr. GARRETT. The increase of appropriations over last year.

Mr. SMITH of Iowa. For what?

Mr. GARRETT. For the Government Hospital for the Insane.

Mr. SMITH of Iowa. The item now under consideration is increased from $305,800 to $322,000.

Mr. GARRETT. The statement in the report is it is increased $96,500.

Mr. MANN. It must be a mistake, because the appropriation for last year was only $305,000.

Mr. SMITH of Iowa. The gentleman is taking improvements and everything else under consideration.

Mr. GARRETT. I am taking the report of the gentleman's committee.

Mr. SMITH of Iowa. I know, but the gentleman ought to analyze that report. The figures he takes are the figures including the improvements.

Mr. GARRETT. The report does not say anything about the improvements.

Mr. SMITH of Iowa. The bill shows what the improvements are, and that part will be reached in a few minutes.

Mr. GARRETT. We have reached it now, have we not?

Mr. SMITH of Iowa. We have reached now the ordinary support fund, which is increased exactly in the ratio of the growth of the population in the hospital, neither more nor less.

Mr. GARRETT. What does it cost per patient out there?

Mr. SMITH of Iowa. Two hundred and twenty dollars.

Mr. GARRETT. Per annum?

Mr. SMITH of Iowa. Per annum; yes.

Mr. GARRETT. How is it as compared with the cost in the various States?

Mr. SMITH of Iowa. It is below some and higher than some.

Mr. GARRETT. How about the State of Iowa?

Mr. SMITH of Iowa. It is about the same.

Mr. GARRETT. They have not many in Iowa.

Mr. SMITH of Iowa. We have not a great many in the State of Iowa. The gentleman is correct.

Mr. GARRETT. They never send any of them here if they have them. And this increase, then, does include improvements?

Mr. SMITH of Iowa. Oh, yes; there is only about $17,000 of an increase, and that is based entirely upon the percentage of growth of population in the hospital.

Mr. GARRETT. There is no increase per patient?

Mr. SMITH of Iowa. None whatever.

The Clerk read as follows:

For centralizing the power, heating, and lighting plant, remodeling the electric lay out, and substituting electrically-driven for steam-driven machinery, and for certain other purposes, $100,000, which sum shall be paid from money in the Treasury arising from arrears of pension and pension money retained from pensioners in the hospital under the act approved August 7, 1882.

Mr. SMITH of Iowa. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 122, strike out after the word "treasury," in line 3, down to and including line 6, and insert in lieu thereof the following:

Which has accrued to the hospital from pensions, under the act of February 20, 1905.

Mr. SMITH of Iowa. That is put in to perfect the text and correct a clerical error.

Mr. COX of Indiana. I wish to reserve a point of order.

Mr. MANN. It is too late for that.

Mr. SMITH of Iowa. Let this amendment to perfect the text be adopted first.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

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

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word. Can the gentleman inform the committee how many soldiers there are in this hospital?

Mr. SMITH of Iowa. I can not.

Mr. COX of Indiana. Can the gentleman inform the committee about how much money belonging to the soldiers is now in the Treasury of the United States?

Mr. SMITH of Iowa. A larger amount than the amount necessary for this improvement.

Mr. COX of Indiana. Can the gentleman tell about how much larger it is?

Mr. SMITH of Iowa. I can not recall.

Mr. COX of Indiana. Approximately, how much?

Mr. SMITH of Iowa. I can not tell at all accurately, but it is about $160,000, and more than enough to make this improvement.

Mr. COX of Indiana. Now, does the statute in force governing this institution authorize or give power to retain or withhold a part of the soldiers' pensions for this purpose?

Mr. SMITH of Iowa. This fund is composed of pension money left to the credit of deceased inmates.

Mr. COX of Indiana. Is it not a fact that this hospital retains part of the pensions of the soldiers and sailors that are now in the hospital?

Mr. SMITH of Iowa. Not for hospital use.

Mr. COX of Indiana. Then, do I understand the gentleman to say that the whole of this fund that it is proposed to appropriate from the soldiers and sailors' pensions is derived from deceased soldiers?

Mr. SMITH of Iowa. As I understand it.

Mr. COX of Indiana. No part of this fund appropriated here comes from soldiers and sailors in the institution and now drawing pensions?

Mr. SMITH of Iowa. I think not.

Mr. OLLIE M. JAMES. After detailing for what the money is to be used, these indefinite words are used: "And for certain other purposes." What does that include?

Mr. SMITH of Iowa. It is meant to include similar purposes, namely, the perfecting of the heating and power system. This institution is one that has been built at different times, with old buildings on one side of the road and new buildings upon the other side of the highway. The newer part has been built on the cottage plan, and has required a vast amount of construction of steam pipes, that are carried under the earth in conduits.

Mr. OLLIE M. JAMES. I know, but the section provides specifically for heating and lighting purposes, and then it uses the language——

Mr. SMITH of Iowa. It is for automatic stokers, and everything of that kind.

Mr. OLLIE M. JAMES. After specifying that this is for heating and lighting purposes, it says, "for certain other purposes." That does not include heating and lighting, because you have already specified that.

Mr. SMITH of Iowa. The language reads:

For centralizing the power, heating, and lighting plant, remodeling the electric lay out, and substituting electrically driven for steam-driven machinery, and for certain purposes——

Mr. OLLIE M. JAMES. "For certain other purposes;" not for "certain purposes."

Mr. SMITH of Iowa. They are supposed to be merely auxiliary to the same purpose.

Mr. OLLIE M. JAMES. You have already specified for heating and light, and then you have "certain other purposes" not for such purposes. For what purpose does this mean? You might use all this appropriation for the other purposes and leave out the heating and lighting entirely.

Mr. SMITH of Iowa. I think it is plain under the ordinary rules of construction.

Mr. OLLIE M. JAMES. You might use an infinitesimally small part of it for the heating and lighting and the remainder of it for "certain other purposes."

Mr. SMITH of Iowa. We could not use it except for some kindred purpose.

Mr. OLLIE M. JAMES. Then, I think that the gentleman ought to give to the House some other information except the broad specification for "certain other purposes."

Mr. SMITH of Iowa. I do not think so, or I would give it.

Mr. OLLIE M. JAMES. I know the gentleman would; but I was just trying to find out if you knew anything about it.

Mr. SMITH of Iowa. This involves the power, heating, and lighting plant; and of course there are a great many incidentals to that which can not be specified; but it all refers to similar work.

Mr. CLAYTON. May I ask the gentleman a question in that connection?

Mr. SMITH of Iowa. I will yield to the gentleman from South Carolina, who rose first.

Mr. JOHNSON of South Carolina. I want to ask the gentleman if it was intended for the purpose of covering another appropriation for buying land at $2,000 an acre that the superintendent thinks can be used for this purpose?

Mr. SMITH of Iowa. It certainly was not.

Mr. OLLIE M. JAMES. I would like to know if the gentleman does not think an amendment, after the word "purposes," in line 2, "incident thereto," would improve it?

Mr. SMITH of Iowa. I do not think so.

Mr. CLAYTON. I suggest this, which would perhaps clear it up: Instead of saying for "certain other purposes," let it read for "like purposes."

Mr. SMITH of Iowa. I am sure that that is what it means now.

Mr. CLAYTON. That would make it more easily understood.

Mr. SMITH of Iowa. I think by legal construction that is what it means now.

Mr. CLAYTON. That would make it certain.

Mr. SMITH of Iowa. I do not think that it would be more certain than it is now.

Mr. OLLIE M. JAMES. Mr. Chairman, I offer an amendment. After the word "purposes," in line 2, page 122, insert the words "incident thereto."

The Clerk read as follows:

Line 2, page 122, after the word "purposes," insert the words "incident thereto."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

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

Mr. KEIFER. Mr. Chairman, I offer for adoption the following amendment as a continuation of the paragraph just read.

The Clerk read as follows:

At the end of line 6, on page 122 of the bill, add the following:

"And to enable the Secretary of the Interior to pay the National Automatic Fire Alarm Company, of Washington, D. C., for the maintenance of the automatic fire-alarm system now in certain buildings of the Government Hospital for the Insane, placed there by said company under act of Congress March 3, 1903, and a contract between said company and the said Secretary of the Interior, acting for the United States, dated September 17, 1903, there is hereby appropriated out of said sum of $100,000 the sum of $4,634.50, the bills for the same to be rendered by said company and paid monthly: *Provided*, That such changes are made in the installation of said system as have been recommended to the Secretary of the Interior in the report of date of August 18, 1908, of the committee on inspection heretofore appointed by him under said contract, the same to be made before July 13, 1909, to the satisfaction of said committee: *And provided*, That said system is maintained by said company as provided in said contract."

Mr. MANN. Mr. Chairman, I make the point of order on the paragraph. It is not germane to the paragraph to which it is offered as an amendment; it is not an appropriation authorized by law, and it is a change of existing law.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. KEIFER. Well, Mr. Chairman, if the gentleman will reserve the point of order——

Mr. MANN. I reserve the point of order.

Mr. KEIFER. Although I do not consider that the point of order is well taken.

Mr. MANN. Then let us dispose of the point of order first.

Mr. KEIFER. We have had a little freedom——

Mr. MANN. I will do whatever the gentleman desires to do.

The CHAIRMAN. Does the gentleman from Ohio desire to discuss the point of order?

Mr. KEIFER. I desire to discuss both.

Mr. MANN. I reserve the point of order.

Mr. KEIFER. But I will have a word or two to say as to its being in order. The amendment indicates, if attention were given to it, that there was a contract made, I believe in the year 1903, between the National Automatic Fire Alarm Company and the Government, through the Secretary of the Interior, for the installation in the insane asylum of an automatic fire-alarm system. There was a contract made, and quite a careful one, under which the National Fire Alarm Company installed in this hospital the fire-alarm system now there at a cost of something over $30,000. I have the contract here, and it provides that "after it was installed"—and, Mr. Chairman, on the point of order, as well as stating the history of the matter—"after it was installed it must be maintained by the installing company for a year."

Now, it is conceded that this time would expire on the 13th of July next, after the fiscal year commences. There was to be paid after that time $4,800 annually as a rental for this fire-alarm system. It was a system that was established exactly in accordance with one established in the Treasury building, for which we appropriate in this very bill for its maintenance and care. We have passed the paragraph without objection making an appropriation of $2,625 to maintain the automatic fire-alarm system in the Treasury and Winder buildings in this city.

This same was installed in the hospital for the insane. Some controversy arose about its improper installation, and the Secretary of the Interior conditionally accepted it, but appointed a committee to investigate and see whether or not it was installed in accordance with the contract.

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

Mr. KEIFER. Let me go a little further along. I want it understood that the Secretary of the Interior made his acceptance under this contract, and made it in pursuance of existing law. He made his acceptance after he had a report from a committee appointed by him to investigate and see whether the fire-alarm system was duly installed.

Mr. DAWSON. I wanted to ask what was the period of this original contract.

Mr. KEIFER. Nineteen hundred and three, as I recollect; but the installation was not completed until some years later.

Mr. DAWSON. What was the length of time it was to run?

Mr. KEIFER. I can not tell how long it is to run, but it has never yet run against the Government. This automatic fire-alarm company has been put to all the expense in establishing it and, so far, in maintaining it. The hospital is now protected by that fire-alarm system without any expense to the Government. The Government has never incurred any expense up to the present time, and it is not to incur any until this contract becomes effective, and after a year's maintenance at the expense of the company, which will not be until the 13th day of July next, and after the next fiscal year has begun.

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

Mr. KEIFER. Oh, yes.

Mr. MANN. Does the gentleman claim that the bill for this work has been audited?

Mr. KEIFER. It is not audited, because it has not accrued. The Government's liability will not commence until after the 13th day of July, 1909, and then under a written contract, by which there was to be paid $4,800 a year after the system was established and maintained one year.

Mr. DAWSON. For how many years?

Mr. KEIFER. I was going to say that there is some provision about that, but I can not for the moment answer it. Perhaps some member of the committee can. But that explains why this appropriation does not call for $4,800. A full year's rent will not accrue in the next fiscal year.

Mr. FINLEY. Has the gentleman from Ohio any information as to whether or not this is an efficient system?

Mr. KEIFER. Undoubtedly it is. I am coming to that. The system is efficient. It is used in nearly all the principal cities in this country. It is now in full operation in the Treasury Department in this city, and entirely satisfactory. But there was some claim that this fire-alarm system was not carefully installed in this hospital building, and the Secretary of the Interior appointed a committee consisting of A. B. James, of Baltimore; J. B. Hench, of the Signal Service, and M. R. Woodward, electrical engineer, of the Navy Department, accomplished engineers, and they made a report which is dated August 18, 1908.

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

Mr. KEIFER. I should like to have five minutes more in which to explain this.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. I wanted to read the latter paragraph of that report to the Secretary of the Interior. It says:

In conclusion, your committee report that the installation performs the required functions, and respectfully recommend that after compliance with the foregoing recommendations it be accepted.

This shows the efficiency of the system.

Now, Mr. Chairman, if you have the amendment before you, you will see that it shows that the Secretary did accept it only subject to complying with certain provisions recommended in this report made to him by a commission of his own; and it also provided in the amendment that the rental is not to be paid until the fire-alarm system is perfected, and that must be done, as the amendment recites, before the 13th day of July, 1909, and in accordance with that report. That is carefully provided for in this amendment.

In other words, the rental is not, as the amendment provides, to be payable unless this installation is made to the satisfaction of the Secretary of the Interior.

Mr. FINLEY. I wish to ask the gentleman from Ohio if he remembers the statement of Doctor White, on page 534 of the hearings, where he says:

So far as I know, nobody has accepted it; and whether it has been accepted or not, it is not of any use to us at all.

Mr. KEIFER. We understand that perfectly.

Mr. BUTLER. Who is Doctor White?

Mr. KEIFER. Doctor White is the man who has got into some trouble with one of these parties, and he made the statement, as the gentleman says. But let me read from a communication to the National Automatic Fire Alarm Company a single paragraph. This is from the Secretary of the Interior, James R. Garfield, a communication dated November 25, 1908.

After speaking of various things, he says:

I have therefore to advise you that the plant will be accepted as of July 13, 1908, subject to the year's maintenance provided by contract, during which time the company will be required as a condition of such

acceptance to complete, with the recommendation of the committee, that portion of the wiring in the tunnel which is now weatherproof in wooden molds and junction boxes throughout the system by replacing by more substantial installation.

There is the written acceptance of the Secretary of the Interior, and this amendment has in view that this was accepted as of July 13, 1908. Under the contract, however, the National Automatic Fire Alarm Company was to have no pay for the first year after the system was installed. The company is to maintain it for nothing, and now this amendment is to give them up to the expiration of the year referred to in the acceptance, which is July 13, 1909, and the proposition is to pay the rental which would accrue from that date to the end of the fiscal year.

The CHAIRMAN. Does the gentleman from Ohio think that this is in order on the sundry civil bill?

Mr. KEIFER. I do. Perhaps the clause to which this is proposed to be attached would not be in order, but no objection was made to that, and therefore it becomes in order to amend it. It belongs here, because it is a proper provision to carry out the existing law and the existing contract made in pursuance thereof; and it would be exceedingly unjust to this company, after it has expended of its own money over $30,000 in installing this system, after it has protected these people in this asylum up to the present time, and will up to the 13th of July, at no expense to the Government—I say it would be unjust not to make this provision. It is proposed to simply pay, provided that the Secretary of the Interior is satisfied and his conditional acceptance is complied with; the amendment puts it upon the Secretary of the Interior to see that it is complied with in the perfecting of the installation, but the money is not payable until that time. So I claim on all grounds it is in order.

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

The CHAIRMAN. The Chair is prepared to rule.

Mr. MANN. I would like to call to the attention of the Chair that the amendment is not germane to the paragraph. The paragraph provides for the centralizing of the power, heating, and lighting plant, and so forth, and has no relation whatever to a fire-alarm system.

Mr. KEIFER. This paragraph does relate to the remodeling the electric lay out, and it is fairly in order in pursuance of law.

Mr. MANN. This is no part of the electric lay out of the hospital; and in addition to that fact, the amendment is not only for a claim which has never been allowed under a contract where there has been no acceptance of the work, but it contains a number of legislative provisions in reference to that claim.

Mr. KEIFER. Mr. Chairman, I can not allow that statement to go unchallenged, because the Secretary of the Interior, in a written letter already mentioned, has accepted the installation of this system, and now, after having a full report by the board of his own appointment, he recommends that it should be accepted, and it has been done, and the time has not come to present a claim. There is no claim.

Mr. MANN. If there is a contract and it has been approved and accepted, then if it is anything it is a deficiency appropriation and has nothing to do with the sundry civil appropriation bill.

Mr. KEIFER. It can not possibly be a deficiency, because there is not a dollar of it due, and will not be due until after the expiration of the present fiscal year.

The CHAIRMAN (Mr. WATSON). The Chair is entirely satisfied on this proposition. The Chair does not believe the amendment proposed by the gentleman from Ohio is in order. It is in the nature of a claim that has not been allowed.

Mr. MADDEN. Mr. Chairman, I rise for the purpose of making a motion to reconsider the vote by which the paragraph on page 119, from line 5 to line 11, was adopted with an amendment making an appropriation of $10,000 for the payment of game wardens in Alaska. The purpose I have——

Mr. SMITH of Iowa. Mr. Chairman, I want to make a point of order against that motion before the gentleman states his purpose.

Mr. MADDEN. I will ask the gentleman to withhold his point of order.

Mr. SMITH of Iowa. I reserve the point of order.

Mr. MADDEN. My purpose, Mr. Chairman, in making the motion for reconsideration of this vote is this: When the discussion of the question was up before the committee I suggested it might be proper to postpone its consideration because of the absence of the Delegate from Alaska.

The suggestion was not concurred in by the committee. The Delegate from Alaska is here now; and because of the fact that he can not make a motion to reconsider and does wish to state the facts as he understands them to the committee, I ask the committee to give the Delegate from Alaska an opportunity now to do so. I ask unanimous consent that the Delegate from Alaska be given an opportunity to state his side of this case for ten minutes.

Mr. TAWNEY. Oh, make it five.

Mr. MADDEN. The committee was very solicitous to postpone the consideration of other matters in this bill because of the absence of other members of the House, and there is no reason why the Delegate from Alaska should not be given similar consideration.

Mr. SMITH of Iowa. Mr. Chairman, everybody agrees to ten minutes provided we do not go back to that portion of the bill.

Mr. MADDEN. But we have a right to make a motion to reconsider.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that it is not in order to move to reconsider in Committee of the Whole House on the state of the Union, proceeding on the theory stated in Jefferson's Manual, that this will not be the last opportunity to amend, because, after we get back in the House, if there is anything in the bill that ought not to be there, it can be stricken out in the House.

Mr. MADDEN. I ask unanimous consent that the Delegate may proceed for ten minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the Delegate from Alaska may address the committee for ten minutes. Is there objection? [After a pause.] The Chair hears none. The Delegate from Alaska is recognized. [Applause.]

Mr. CALE. Mr. Chairman, I expected to be present at the time this question came up, but I happened to be away, and for that reason I was not here, of course. [Laughter.]

Mr. BONYNGE. The gentleman had a long distance to come—from Alaska.

Mr. CALE. Yes; but here is the idea: There is a game law enacted especially for Alaska. It is a law that never ought to have disgraced the statute books of the United States. It is a foolish law to begin with, but still we have that law. Now, the question is this: Can we by $5,000 enforce that law? I say no, you can not; nor can you enforce that law with $10,000 nor with $50,000. Increasing the amount from $5,000 to $10,000 simply means that we are squandering $10,000 instead of $5,000. [Applause.] We have a coast line there of over 2,000 miles to police in order to enforce that game law, and it is because of that, by increasing the appropriation from $5,000 to $10,000, that I assert that it is simply squandering $10,000 instead of $5,000. It ought not to be so. You are placing in the hands of the governor of Alaska this $10,000, and he can appoint one single, solitary individual and give him $10,000 a year.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. CALE. Yes.

Mr. HUMPHREY of Washington. I would like to ask the gentleman if the discovery of the fact in the law that the governor had the power to appoint these game wardens is not what caused the gentleman to oppose this amendment?

Mr. CALE. Largely that is true; yes, that is true.

Mr. HUMPHREY of Washington. I want to ask the gentleman another question. I will ask the gentleman if he did not talk to me, not later than to-day, and at that time state that he was in favor of the amendment, and if he did not say to me that he would speak in favor of it?

Mr. CALE. Oh, no; I beg the gentleman's pardon. I told him to-day that I was opposed to the amendment as long as the governor had the expending of this $10,000.

Mr. HUMPHREY of Washington. The gentleman's opposition to the bill is not because he does not think the money ought to be appropriated, but because he does not think the governor will use it properly?

Mr. CALE. Both ways. Let me say to the gentleman from Washington, whom the people in Alaska have always regarded as one of our best friends—and I say that with all sincerity—that the reason why I oppose the increase in the appropriation is because, whether it is $5,000 or $10,000, it is money squandered and wasted.

Mr. HUMPHREY of Washington. May I ask the gentleman another question? I desire to ask the gentleman if he does not think that the amount of $10,000 could get a game warden at Fairbanks, Seward, Seldovia——

Mr. CALE. The gentleman knows, under the provision here, there is no limitation as to how many game wardens you are going to appoint.

Mr. HUMPHREY of Washington. But will the gentleman let me finish my question?

Mr. CALE. If the gentleman will hurry up, I will.

Mr. HUMPHREY of Washington. I want to ask whether or not the gentleman does think with $10,000 you could appoint

a game warden, so as to give one to Fairbanks, one to Seward, one to Seldovia, one to Kodiak, and one at Sand Point, so as to cover the main points where people come in and out?

Mr. CALE. What assurance has the gentleman that they will be appointed at those places?

Mr. HUMPHREY of Washington. I mean if the money be properly used.

Mr. CALE. But there comes the question. I understand that the governor of the Territory went before the Committee on Appropriations and made the statement that $5,000 was sufficient to enforce the law.

Mr. TAWNEY. I will say the governor of Alaska was never before the Committee on Appropriations——

Mr. CALE. Then, I beg pardon. I was misinformed.

Mr. TAWNEY. The estimate was for $10,000, as I now recall, and the Committee on Appropriations reduced it to $5,000 without any information at all.

Mr. CALE. I understood the governor went before the committee. I was misinformed and beg pardon.

Mr. KIMBALL. I would like to ask the Delegate from Alaska if it is not a fact the governor of Alaska spends practically all of his time in Washington when Congress is in session?

Mr. CALE. I wish to say to the gentleman—I do not remember what State he is from——

Several MEMBERS. Kentucky.

Mr. CALE. I wish to say to the gentleman from Kentucky if the governor of Alaska stayed in the Territory and attended to the executive duties of his office instead of coming down here and being a lobbyist and fighting and opposing every measure that the Delegate proposes, whom the people of Alaska elected to come down here and speak for them, he would be thought a great deal more of and not be held in such disrepute in the Territory as he is. [Applause.] He has come down here and simply settled down as a sort of third-grade lobbyist. [Laughter and applause.] Now, the reason why I oppose this increase in the appropriation is from the fact that instead of placing $5,000 in the hands of a man who has always misrepresented and who has maligned the people of Alaska Territory, you are placing $10,000 in his hands, and I am opposed to it.

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

Mr. CALE. Yes.

Mr. ROBINSON. I would like to ask the Delegate from Alaska, in his opinion what amount would be necessary to enforce this game law?

Mr. CALE. Upon my word, to be honest and sincere and candid with the gentleman, it would take $100,000 to do it. You have a coast of over 2,000 miles to protect and enforce the game law. You might as well talk about how much it would take to protect the coast from Florida to the State of Maine.

Mr. ROBINSON. And even the appropriation of $10,000 is totally inadequate, in the gentleman's opinion, to accomplish any good purpose?

Mr. CALE. It certainly is.

A MEMBER. Doubly useless.

Mr. GAINES of Tennessee. Was this law enforced better when Secretary Wilson enforced it than since the governor took charge of it?

Mr. SULZER. It was not enforced before, and it is not enforced now. If the law is to be enforced, this appropriation of course is entirely inadequate.

Mr. GAINES of Tennessee. Wait a minute; I have heard enough from people here who did not know anything about this. [Laughter.] I want to hear those who really know.

Mr. SULZER. Of course it is impossible to give the gentleman from Tennessee any information.

Mr. GAINES of Tennessee. The Secretary of Agriculture had it in charge for sometime, and then we changed the law and gave it to the governor.

Mr. CALE. I beg your pardon; this law was enacted only a year ago.

Mr. GAINES of Tennessee. About a couple of years, I think; all right, a year ago. Now, can you compare the two administrations?

Mr. CALE. Yes.

Mr. GAINES of Tennessee. Which is the better?

Mr. CALE. The one prior to this late law.

Mr. GAINES of Tennessee. Of course old man "Honest Jim" Wilson enforced it all right.

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

Mr. CALE. I certainly will.

Mr. SHERLEY. I have understood that some of the natives have been arrested and imprisoned—or at least fined, if not imprisoned—for shooting game, where they depended upon it for their means of sustenance?

Mr. CALE. That is true.

Mr. SHERLEY. It seems to me a very cruel policy for the National Government to imprison or fine natives, situated as they are, for getting food to live on by killing wild game.

Mr. CALE. The gentleman is entirely correct. Let me state further, for the information of the gentleman and the committee, that, under the law, a person can go out prospecting on the hills and when in need of meat he can kill a moose.

He can take a slice or two off of it, but he can not take the balance of it down in order to sell it in the market. The result is that after slaughtering the moose all he can get is one or two meals out of it, when if he were permitted, which he is not, to take the carcass down, he could get $500 or $600 for it. But under the law he is prohibited from doing that. If a prospector who is in the hills was permitted to take it down, he could get $500 or $600 out of it, which he could put in an outfit which would enable him to pursue his prospecting——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask that the gentleman be allowed ten minutes in which to finish his speech.

Mr. CALE (continuing). But he lets it lie there and rot.

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

Mr. MACON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has asked unanimous consent that the gentleman from Alaska be permitted to proceed for ten minutes. Is there objection?

Mr. TAWNEY. The gentleman from Alaska himself does not ask for it. So I object.

Mr. MACON. I move to strike out the last word.

Mr. OLLIE M. JAMES. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. OLLIE M. JAMES. I understood that unanimous consent had been requested, and the Chair was to put that question to the House, to return to this section, in order to perfect it, and in order that we might pass upon that question in the light of the information we now have.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky [Mr. OLLIE M. JAMES] that it is not in order to move to reconsider in the Committee of the Whole House on the state of the Union.

Mr. OLLIE M. JAMES. The point of inquiry I made was whether or not it was in order to ask unanimous consent.

The CHAIRMAN. It is in order to ask unanimous consent.

Mr. OLLIE M. JAMES. Then I ask unanimous consent that we return to that section to which the amendment was adopted, in order that the committee, in the light of the information it now has from the Delegate from Alaska, may pass upon that question intelligently. [Applause.]

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that at the outset the gentleman from Iowa [Mr. SMITH] objected to returning to the proposition in question. The Chair will again state, however, the proposition to the committee.

Mr. GRAHAM. It was objected to.

Mr. HUMPHREY of Washington. I objected, too.

The CHAIRMAN. The gentleman from Washington objects. Does the gentleman from Iowa [Mr. SMITH] object now to the gentleman's motion?

Mr. HUMPHREY of Washington. I object.

Mr. CALE. I hope the gentleman from Washington will not object.

Mr. HUMPHREY of Washington. I have already objected.

The CHAIRMAN. The gentleman from Washington objects, and the Clerk will read.

Mr. MACON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The last word of what?

Mr. MACON. Of the last paragraph read.

Mr. Chairman, the increase of this appropriation from $5,000 to $10,000 is another evidence of the disposition of the membership of this House to raid the Treasury of the United States without proper information as to what they are raiding it for.

The other day when we were considering bills upon the Private Calendar, with a right to object, some of us saw fit to object to some of those bills, and some of the Members of this House criticised us because we did it. They even criticised us because we tried to find out the merits of the measures then under consideration. During that very day, when we were criticised for our action in trying to find out the particular merits of each bill as it was presented here, we passed a bill appropriating more than $4,000 for payment for cotton that was taken from a citizen of my own State just after the war.

It was a Senate bill, and it was permitted to pass without proper investigation as to the facts in connection with the case; and after the bill was passed and sent to the President it was disclosed that the owner of the cotton received pay for his loss more than forty years ago.

I only refer to this, Mr. Chairman, to show that we ought to be very careful about exploiting the revenues of the Government when they are so low without proper investigation. We ought to be very careful in our investigations and not hastily make or enlarge appropriations; not hastily make them simply because this or that gentleman thinks they ought to be made. I have no interest in the matter except in common with you all. I am only one of the 392 Members of this House. I call your attention to this, because it is a clear act of having increased an appropriation without proper information. The Delegate from the district that we are making the appropriation for says that it is absolutely unnecessary and a squandering of just that much money. I desire to emphasize the point as much as I can, that we ought to be careful about what we are doing when legislating for the good of the whole country.

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

The CHAIRMAN. The gentleman from Oklahoma offers an amendment.

The Clerk read as follows:

Page 122, line 6, insert after "improvement of Platt National Park," "payable out of the funds in the hands of the Secretary of the Interior to the credit of the park, $16,000, to be expended as follows: For repairs of roads and bridges, $500; for a stone culvert at Sulphur Run, near Pavillion Springs, $500; for construction of a sanitary sewer with laterals to connect with others, connecting with the sewer system of the city of Sulphur, $15,000; provided the municipality of Sulphur expend in the construction of said sewer system through the park an equal amount."

Mr. CARTER. I will state that this does not carry any additional appropriation. It simply sets forth the amount of money which shall be spent, now in the hands of the Secretary of the Interior. The funds of this park have not been handled just the same as other park funds. No appropriation has ever been made for this park, but it has been sustained by the proceeds of the sale of certain improvements located on the land when the park was purchased; consequently, it has not been necessary to submit the expenses to the Committee on Appropriations. This amendment will exhaust the $25,000 now in the hands of the Secretary of the Interior to the credit of that park during the next fiscal year, which will include salaries of about $9,000, as I understand it. It necessitates no new appropriation, but simply puts the park on the same basis as other national parks. I hope there will be no objection to the amendment.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Oklahoma.

Mr. TAWNEY. Where is this amendment offered? As I understand, it is not offered at the proper place.

Mr. CARTER. After line 6, page 122.

Mr. TAWNEY. We have not reached the parks.

Mr. CARTER. We have reached the parks under the Department of the Interior, and I presume this would come under the Interior Department. If the chairman of the committee would like to have me wait until items for "Improvements of parks" under the War Department is reached, I should be very glad to follow his suggestion.

Mr. TAWNEY. You will have to put it in on page 120.

Mr. MANN. This would come into the insane asylum, and that would be a crazy thing to do.

Mr. TAWNEY. It should be in line 21, page 120.

Mr. CARTER. I ask unanimous consent to withdraw the proposed amendment at this point and insert the same language after line 21, page 120, and as a new paragraph.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be considered as coming after line 21, page 120. Is there objection? [After a pause.] The Chair hears none.

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

The Clerk read as follows:

Howard University: For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $49,000.

Mr. BARTLETT of Georgia. I desire to reserve a point of order on this paragraph, to make an inquiry in reference to it. I notice that the estimates for this institution are only $45,000. I notice also that we have appropriated $49,000, and also that on the next page we appropriate $90,000 for a building. Now, I should like to inquire of the gentleman from Minnesota [Mr. TAWNEY], chairman of the committee, what is the authority of law for the appropriation of $49,000, or of $90,000 carried in this bill for the new building?

Mr. TAWNEY. I will say to the gentleman that I do not know that there is any authority of law for the appropriations that have been made by Congress for a great many years for the maintenance of this institution.

Mr. BARTLETT of Georgia. About fifteen years, I think.

Mr. TAWNEY. The institution was founded in 1867.

Mr. BARTLETT of Georgia. Not by the Government.

Mr. TAWNEY. Under the Freedmen's Bureau. The original farm, together with the buildings of Howard University, are now valued at a million dollars. This institution was founded by Gen. O. O. Howard, after whom it was named. It is sustained and supported almost entirely from the Federal Treasury and private donations made by philanthropic people throughout the country. It is the only institution in the United States where the people of the colored race have an opportunity of acquiring a medical education. They are not admitted to any medical school either in the North or in the South, and it has been the general policy of Congress for many years, or ever since the institution was founded, to contribute from year to year from the General Treasury to the maintenance of this institution.

Mr. BARTLETT of Georgia. I should like to ask the gentleman whether or not there is an institution of like kind in this city for the education of white people for which we appropriate money?

Mr. TAWNEY. This is not for the education of the colored people of the District of Columbia, but the colored people of the United States. People are admitted to this school from all over the United States. They here obtain their education in medicine and surgery; and, as I said before, it is the only institution of the kind in the United States where the colored people have an opportunity of acquiring this education.

Mr. BARTLETT of Georgia. I reserved the point of order to get the information that I have obtained from the gentleman from Minnesota. Having gotten it, I want to say that I realize that this is a mere gratuity, beginning in small amounts, and I am not disposed to make the point of order against a part of the appropriation.

Mr. TAWNEY. I want to say to the gentleman from Georgia further that the institution was incorporated by act of Congress and is nominally under the control of the Secretary of the Interior.

The institution reports annually to the Secretary of the Interior, and the estimates for appropriations are submitted by the Secretary of the Interior.

Mr. BARTLETT of Georgia. But the gentleman will observe that the committee have appropriated more than was asked for. On page 535 of the hearings the estimate was made for $45,000, and you have appropriated $49,000. There is something plaintive in the appeal that the chairman of the committee made to the witness before the committee, on page 537 of these hearings, in which he says:

This committee is embarrassed very much on account of the present condition of the Treasury. In order to meet this appropriation, if it is allowed, the Government will probably have to borrow the money. The Government unquestionably will have to borrow money, we hope not before the end of this fiscal year, but by that time, to meet the ordinary expenses; and I want to ask whether, under those circumstances, it would be possible for your institution to get along without serious detriment during the next fiscal year and to postpone this science hall for one year?

Now, there is a suggestion of economy in the air, economy everywhere, but this institution, it appears, gets nearly $5,000 more than the estimates; and in addition——

Mr. TAWNEY. The total estimate is $165,800.

Mr. BARTLETT of Georgia. I am speaking about this item.

Mr. TAWNEY. That includes the estimates for Science Hall. The total amount recommended in this bill is $162,200. The gentleman will therefore see that we recommend less than the actual estimates.

Mr. BARTLETT of Georgia. But the gentleman will realize that this is nearly $100,000 more than this item in the appropriation bill of last year. I am not going to make a point of order on this provision, but I am going to make it against the $90,000 building.

Mr. EDWARDS of Georgia. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the paragraph beginning on line 15 down to and including line 21.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

Mr. GARDNER of Michigan. Mr. Chairman, I hope the Members in this House will not indorse that proposition. This is the only institution of its grade for a people numbering 10,000,000 souls. This institution has grown from 500 to now

almost 1,200 pupils. We can not afford to deprive the colored man of this opportunity to develop leaders for his race. We have one leader of that race of whom it was said the other night in New York by the man who will be officially the first citizen of the Republic a week from to-day, "If it took one hundred years to educate one Booker Washington, it would pay to educate the colored race." [Applause.] That man is a leader.

Howard University is the one institution receiving support from the Government that is designed to educate men who will lead out and encourage and inspire these unfortunate people to a higher and better future.

During the last forty years the graduates of the colored institutions of collegiate grade in this country have numbered, on an average, but 75, giving 7 or 8 graduates of that race to a million of people.

We can not pay the debt in dollars and cents that the negro race has put us under obligation for in the centuries of the past in this country.

Let us not deprive these people of this institution when we are doing three times as much for the education of the Indian, per capita, as we are giving for the education of the colored man. These people are among us, they are of us, we can not eliminate them. They are a part of our civilization; they are a part of our society; they are a part of our Government; they are a part of our politics; they are a part of our religion. They come into our homes as nurses for our children, as cooks in our families, and as servants generally; they mingle with us in various relations in life. Let us lift them up and do what we can for them. I hope the amendment will not prevail. [Applause.]

Mr. MADDEN. Mr. Chairman, the Howard University, the institution against which this amendment is directed, is one of the greatest educational institutions in America. Many of the men who are graduates of this institution live in the State from which I hail. They are among the most brilliant men in the professions; they are a credit to their race. They do credit to their American citizenship. They are liberty loving and patriotic. A vote to eliminate this appropriation would be a vote against giving an opportunity for the education of a people which it should be our highest duty to assist. We should give them every possible opportunity for advancement, help them in every way we can to meet their responsibilities as citizens and enable them to compete with their fellow-citizens in the struggle for existence. Every lover of liberty will agree that this country should do what it can to elevate to the highest plane of citizenship every man, woman, and child under the protection of our flag, no matter what the color of their skin may be. I sincerely hope that no vote will be cast to-night for the adoption of this amendment. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. It is important that the House should understand the relation that this institution bears to the Freedmen's Hospital, and also its importance not only to the colored people of the country, but also to the white people of the country. The testimony before the committee is to the effect that tuberculosis is making terrible ravages among the colored race of this country. Not only is it important to the people of that race that everything possible be done to check the ravages of this disease, but it is of the utmost importance to the people of the white race, wherever the colored people reside, that the colored people shall have this disease checked for the protection of the whites.

The Howard University was started in 1867. It has an endowment, invested, of $173,000. The graduates of the medical school receive their further training and instruction in the Freedmen's Hospital, which is entirely under the control of the Secretary of the Interior. The training that these colored physicians receive there is of immense benefit to the people of both races. I believe that it would be a great misfortune to the people of the country, regardless of race, if anything were done to prevent either the hospital or the university carrying out the work that can be carried out to the fullest extent possible.

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

Mr. FITZGERALD. I will.

Mr. BARNHART. Mr. Chairman, It seems to me by way of introduction to my question that the air can easily be cleared in this matter if some member of the committee would answer the question which has been asked repeatedly, as to why the amount of this appropriation is raised from what was originally asked, $45,000, to $49,000.

Mr. FITZGERALD. Mr. Chairman, I think that is an error in connection with the two appropriations. The next item carries $90,000 for a new hall of science. During the past few years the colored students have been driven out gradually from the medical schools and the preparatory schools throughout the country. Within the past two years the number of students has increased from 212 to 469. This hall of science, with its equipment, it is expected will cost, not $90,000, but from $120,000 to $130,000, and those who are actively occupied with the work of the institution expect that if Congress appropriates the $90,000 it will be possible, by the donations made by private individuals, to make up the additional sum required. Mr. Chairman, this is not the only institution in the District of Columbia not under government control where the Government contributes to maintenance and support. The Garfield Hospital and Providence Hospital both have been beneficiaries of the Government's generosity.

Mr. BARNHART. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I do.

Mr. BARNHART. Mr. Chairman, I insist that my question has not been answered. I hope to make myself clear when I say that I want the question answered for my own information as well as for many about me. We want to know why it is that the appropriation originally asked for, $45,000, has been raised to $49,000?

Mr. WEBB. Mr. Chairman, I think I can answer the gentleman's question, if the gentleman from New York will yield. That is because the college wants three new professors to do increased work, as shown by the hearings, and these three new professors will cost $1,500 each.

Mr. TAWNEY. I would say to the gentleman from Indiana [Mr. BARNHART] that the estimate was $49,200, and the amount recommended is $49,000.

Mr. FITZGERALD. Mr. Chairman, an error was made in stating that the appropriation is larger than the estimate. The appropriation for the current year is $45,000. The estimate for the next fiscal year is $49,200, and the committee recommended an appropriation of $49,000, less, not more, than the estimate.

Mr. BARNHART. Mr. Chairman, that is a satisfactory explanation.

Mr. FITZGERALD. The detailed statement submitted to the committee shows that additional instructors are required in order to carry on properly the work of the institution. In this connection the explanation that was made convinced me of the necessity for the increase. I have no prejudice against or bias in favor of the institution. The explanation convinced me that the work was one that should be carried on in the interests of the people of both races. It is an unfortunate thing that gradually the members of the colored race are being excluded from all institutions, which prevents their being educated either as physicians or pharmacists. They are required throughout the country, and I think it would be ill advised to do anything that would prevent the education of them along these lines.

Mr. CAMPBELL. The Chairman——

The CHAIRMAN. The gentleman from Kansas.

Mr. EDWARDS of Georgia. Mr. Chairman——

The CHAIRMAN. The Chair has recognized the gentleman from Kansas.

Mr. TAWNEY. Mr. Chairman, I understand the gentleman from Georgia withdraws his amendment.

Mr. EDWARDS of Georgia. Mr. Chairman, I have gotten the information I desired and I withdraw the amendment.

Mr. SIMS. Mr. Chairman, I renew it simply to make a statement.

Mr. CAMPBELL. But I have the floor.

Mr. SIMS. This is a new motion.

The CHAIRMAN. Regardless of whether it is a new motion or not, the Chair has recognized the gentleman from Kansas.

Mr. WILLIAMS. What question is before the House?

The CHAIRMAN. There is no question before the House.

Mr. WILLIAMS. Then the Chair can not recognize the gentleman from Kansas.

Mr. CAMPBELL. Mr. Chairman, I yielded to the gentleman from Georgia for the purpose of withdrawing his motion to strike out the amendment.

The CHAIRMAN. And the gentleman withdrew his amendment.

Mr. WILLIAMS. There is now no question before the House, as I understand.

Mr. CAMPBELL. I am glad the gentleman has seen fit to withdraw his motion.

Mr. SIMS. Mr. Chairman, I move to strike out the last word simply to make a statement in this connection. I was very sorry, until the gentleman from Georgia explained himself, that he made the motion. This motion gives gentlemen who want to do so an opportunity to make impassioned speeches, so that it will appear to the colored people in the North that their

defenders are all on the other side, and that those who attack them are all on this side.

I am very glad the gentleman from New York rose to straighten out the matter. The facts are, as we all know who have investigated the matter, that one-half of all the public-school charges in the District of Columbia are paid out of the National Treasury. One-half of all colored public school expenses are paid by the general taxpayers of the United States—the North, South, and all alike—and we are making no complaint about it. Down South 75, 80, or, perhaps, 90 per cent of all the taxes to educate the negro race are paid by the white people. They do it cheerfully, they make no complaint about it, they are making no kick and certainly get no political capital out of it. I say such a motion coming from this side is always unfortunate; it is taken advantage of by some gentlemen on the other side, when, in fact, there would not have been a half dozen votes in favor of it if the gentleman himself had not withdrawn the motion as soon as he understood the matter.

Mr. MANN. I think we all would have voted for it. [Laughter.]

Mr. SIMS. Now, let me read a letter to the committee while gentlemen are talking about discrimination against the colored man. I want to read you a letter I received a few days ago, and I suppose you all received a similar one, and as it is a public letter I am giving out no secret:

[Maj. Gen. J. Franklin Bell, U. S. Army, grand marshal; Brig. Gen. John A. Johnston, chief of staff; and Maj. Samuel D. Sturgis, General Staff, U. S. Army, adjutant-general. Committee on civic organizations: Thomas P. Morgan, chairman, marshal civic division; William T. Galliher, first vice-chairman; Walter H. Klopfer, second vice-chairman; and Alan O. Clephane, secretary, Adams Building, 1335 F street NW.]

INAUGURAL PARADE, MARCH 4, 1909.
HEADQUARTERS OF THE GRAND MARSHAL,
ROOM No. 221, WAR DEPARTMENT,
Washington, D. C., January 26, 1909.

Hon. THETUS W. SIMS,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to this committee, permit me to tender to you the privilege of nominating a suitable (white) person for the position of mounted aid to be assigned to the civic division of the inaugural parade, with the understanding that the horse equipment used will conform to that required by the regulation, which will be issued by the grand marshal.

Mr. MANN. Did the horse have to be white, too?

Mr. SIMS. No; but it limits the rider to a "white person."

Mr. MANN. Then, that means a red horse.

Mr. SIMS. No; there is not a word about the color of the horse.

It will also be a part of the regulation that each aid furnish his own mount without expense to the inaugural committee.

Kindly inform us at your earliest convenience whether or not it is your desire to present a name for such appointment.

Very truly, yours,

THOS. P. MORGAN, *Chairman.*

Mr. BUTLER. I want to ask the gentleman a question——

Mr. SIMS. In a moment. This is an invitation by the inaugural parade committee to inaugurate a Republican President from Ohio, from the State of Salmon P. Chase, William McKinley, and last, but not least, of William H. Taft, in which it does not want and will not permit a Member of this House to designate a colored man to ride in that procession. [Applause on the Democratic side.]

Mr. CAMPBELL. Does the gentleman from Tennessee want to name one from his district?

Mr. SIMS. I do not.

Mr. CAMPBELL. Then, why does the gentleman complain?

Mr. SIMS. I suppose they meant this to apply to all gentlemen to whom it was sent. I know they did not intend it for me specially. [Applause.]

Mr. CAMPBELL. The "gentleman from Kansas" does not remember having received that letter.

Mr. SIMS. Here it is, and I had supposed that all Members got one exactly like it.

Mr. Chairman, I am not intending any criticism of the inaugural parade committee. I commend it for the boldness shown and good taste manifested.

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

Mr. SIMS. Mr. Chairman, I will ask for five minutes to answer questions that have been asked me.

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

Mr. MANN. If the gentleman has finished his speech——

Mr. SIMS. I have.

The CHAIRMAN. The gentleman from Minnesota demands the regular order, which is the reading of the bill.

The Clerk read as follows:

For scientific building and equipment, in addition to donations therefor, $90,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I make the point of order upon the paragraph contained in lines 3 and 4, page 123.

The CHAIRMAN. The gentleman from Georgia makes the point of order. The gentleman will state his point.

Mr. BARTLETT of Georgia. That there is no authorization for any such construction of the building.

Mr. TAWNEY. Mr. Chairman, I do not intend to make any argument against the point of order; the Chair will have to decide the question.

Mr. BARTLETT of Georgia. I will reserve the point of order if the gentleman wishes it.

Mr. TAWNEY. This building is a part of this institution which the Government of the United States is maintaining or has contributed to its maintenance for a number of years. The necessity for it has been stated by the gentleman from New York, and if that is not sufficient to satisfy the gentleman from Georgia, I can not add anything to it that will convince him that this appropriation ought to be made.

Mr. FITZGERALD. This university ceded to the Government 11 acres of ground upon which is erected a freedman's hospital. Both institutions are conducted together and are essential to each other.

Mr. BARTLETT of Georgia. I desire to say that I have the hearings in reference to that, and that does not appear, as I now recall it, in the hearings.

Mr. FITZGERALD. I will read from the report of the university.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio [Mr. KEIFER] desire to be heard on the point of order?

Mr. BARTLETT of Georgia. I make the point of order.

The CHAIRMAN. Does the gentleman from Ohio want to be heard on the point of order?

Mr. KEIFER. I do. As I understand, the point of order is made on the claim that this is new legislation.

Mr. BARTLETT of Georgia. Not authorized by law.

Mr. KEIFER. That this provision is not authorized by law. It is one paragraph of a number of paragraphs in the bill that are all connected together. If it is in order in part of it, and a point of order is made against any other portion, this is in order; but it is in order on another ground, namely, that this Howard University was established and put in operation more than forty years ago. What is proposed by this appropriation of $90,000 for a science hall is to add something to what we have already commenced, to wit, the establishment of Howard University. Originally this university was conducted in smaller buildings, and from year to year it has been improved and enlarged. Originally there were but a few students. While at first it had less than three hundred, now it has about twelve hundred, and we are simply providing for the institution everything that was authorized by law in the beginning.

We are increasing, it is true, the expenditures. The university desires and needs additional room, and that is the object of the appropriation of $90,000. It is in a sense a work we have already commenced, and we are simply adding to it. The apparatus that is there, the various provisions for equipment, are not sufficient for the twelve hundred students now in that institution, and now we are going to say that we will strangle the university by refusing to carry out the enterprise of building up a great university for medical students and others. We have furnished now to that great institution of the South, that one established and built up by Booker T. Washington, about all of his teachers. They come principally from Howard University. We have established there a president and professors, and they have gathered, as authorized, a large number of students, and now we say that we can not improve the institution by enlarging it to meet its requirements at all, for the reason that we did not provide by law forty years ago that at this time we could enlarge the institution. It is a work that we commenced long ago, and we are now only supporting and simply building it up. We have as much right to increase the size of the buildings, to improve the halls, and all that, as we had to start it, and we are simply carrying out the object of the institution.

Mr. OLLIE M. JAMES. Will the gentleman yield for a question?

Mr. KEIFER. Certainly.

Mr. OLLIE M. JAMES. Do I understand the gentleman from Ohio to take the position that because Congress authorizes the building of a house worth, say, $3,000, that therefore you might empty the Treasury to make additions to it and it would not be subject to a point of order?

Mr. KEIFER. I never made any such suggestion. I say that we authorized the president and the faculty to gather students together to the number now of almost twelve hundred. We have over 400 medical students there. We have gathered them together, and now the proposition is to take care of them after we have them. It is as essential that the institution should have a good science hall and other buildings as it is that it should have professors in their faculty.

Mr. OLLIE M. JAMES. I do not dispute that. Why do you not proceed in a parliamentary fashion to do that?

Mr. KEIFER. We are doing that. Under the rules we have a right to appropriate to carry on the institution we have established to the extent that we have built it up by our previous legislation.

The CHAIRMAN. The Chair is ready to rule on the proposition. If the present occupant of the chair could strain a point and declare this section or paragraph in order, he would do so. But the rule is so clear that it is not possible to do it and maintain the rules of this House. There are many precedents and decisions upon which the decision now about to be made by the Chair is based.

On the 23d of February, 1908, the army appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, and this paragraph had been read:

For the construction and completion of a building for the post headquarters, engineer school, engineer library, and engineer museum, $350,000.

The point of order having been made, Mr. SHERMAN, of New York, being Chairman of the Committee of the Whole House on the state of the Union, held that it was obnoxious to the rule, because it was a new building, and was not a continuation of a work in progress within the meaning of the rule, and therefore sustained the point of order.

On the 23d of April, 1908, the naval appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, and Mr. SPARKMAN, of Florida, offered an amendment providing for the construction of one or more buildings. This was for a navy-yard and, of course, authorized previously or in the beginning by law; but yet it has been held, as it was held in that case, that a new building is not a continuation of a public work in progress, and Mr. MANN, of Illinois, Chairman of the Committee of the Whole House on the state of the Union, sustained the point of order with respect to the buildings under those circumstances. The Chair thinks it is clearly obnoxious to the rule, and reluctantly sustains the point of order.

The Clerk read as follows:

For scientific building and equipment, in addition to donations therefor, $90,000.

Mr. BUTLER. I move to strike out the last word. I have no desire to interrupt this orderly meeting, but this is the first chance I have had, having been shut out by the demand of the chairman for the regular order. I want to make an inquiry of my friend from Tennessee. Whose name was attached to that letter?

Mr. SIMS. I have given the letter in, and the letter is the best evidence.

Mr. BUTLER. I could not hear the name.

Mr. SIMS. He is the chairman of the committee, and signed it, as the chairman of the committee, as the action of the committee.

Mr. BUTLER. I could not hear the name.

Mr. FITZGERALD. I demand the regular order.

Mr. BUTLER. Will the gentleman answer what was the name? [Cries of "Morgan!"]

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The committee must be in order.

Mr. BUTLER. Mr. Chairman, I think my friend will answer the question.

Mr. FITZGERALD. I demand the regular order.

The CHAIRMAN. The Chair must ask gentlemen to be seated. The Chair must insist upon the rules of the House being observed. The gentleman from New York has demanded the regular order.

Mr. BUTLER. Does the Chair rule that I am out of order?

The CHAIRMAN. The Chair believes the gentleman is not discussing the motion to strike out the last word.

Mr. BUTLER. I ask unanimous consent that I may ask the gentleman from Tennessee the name of the gentleman who signed the letter.

Mr. FITZGERALD. I demand the regular order.

Mr. BUTLER. I would like to know the politics of the gentleman who signed that letter.

The CHAIRMAN. The gentleman asks unanimous consent——

Mr. FITZGERALD. I rise to a question of order. I called for the regular order, and I object to any unanimous consent.

The CHAIRMAN. The Chair was endeavoring to state the question. All gentlemen will be seated. All gentlemen occupying the floor are out of order. The Chair will state the request of the gentleman from Pennsylvania.

Mr. BUTLER. I ask unanimous consent that I may be permitted, if I have time enough, to ask the gentleman from Tennessee a question.

The CHAIRMAN. Is there objection?

Mr. FITZGERALD. I object.

The CHAIRMAN. The gentleman from New York objects. The Clerk will read.

The Clerk read as follows:

For improvement of grounds and repairs of buildings, $3,000.

Mr. FITZGERALD. I offer an amendment, Mr. Chairman.

The Clerk read as follows:

Line 5, page 123, strike out the words "repairs of" and insert in place thereof "for," and, after the word "buildings," insert the word "ninety," so that the paragraph shall read:
"For improvement of grounds and buildings, $93,000."

Mr. BARTLETT of Georgia. I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Georgia makes the point of order against the amendment. Does the gentleman from New York desire to be heard upon the point of order?

Mr. FITZGERALD. What is the point of order?

Mr. BARTLETT of Georgia. That it is for buildings not authorized by law.

The CHAIRMAN. Does the gentleman from New York desire to discuss the point of order?

Mr. FITZGERALD. I have not been able to get the particular point of the point of order.

Mr. BARTLETT of Georgia. May I have the amendment read again?

The amendment was again reported.

Mr. FITZGERALD. What is the point of order, Mr. Chairman?

The CHAIRMAN. Will the gentleman from Georgia state his point of order?

Mr. BARTLETT of Georgia. I make the point of order against the amendment that it is not authorized by existing law.

Mr. FITZGERALD. I desire to be heard on that. The paragraph itself is not authorized by existing law, but this is a germane amendment. No point of order having been reserved against the paragraph, this amendment is in order. That is all I desire to say.

Mr. BARTLETT of Georgia. I do not desire to discuss it any further, Mr. Chairman.

The CHAIRMAN. On what ground does the gentleman from New York claim that the paragraph itself is not in order?

Mr. FITZGERALD. It is not authorized by existing law. This is a private institution, not a government institution. The appropriation for the purpose stated in the paragraph is not authorized. The paragraph having been read and no point of order having been reserved, an amendment that is germane can be offered and is not subject to a point of order.

The CHAIRMAN. Does the gentleman claim that because there was not a statute originally authorizing this institution, but it having been appropriated for during all of these years, that it is not a public work?

Mr. FITZGERALD. It is not. It is a private institution. I can cite the charter.

Mr. MANN. I wish also to make the point of order that the amendment that the gentleman offers is not germane to the paragraph, in that the paragraph provides for the repairing of buildings, while the gentleman's amendment in effect provides for the construction of buildings; and that a paragraph for the repairing of a building can not be amended by a proposition to build a new building.

Mr. FITZGERALD. I do not propose to build a new building. I say nothing about the construction of a building. This paragraph affects grounds and buildings, and there is nothing in the language of the amendment to justify the inference, outside of what may be in the gentleman's mind, that this is for the construction of a building.

Mr. MANN. The mere fact that the amendment itself contains nothing does not make any difference, because there are rulings to the effect that striking out a portion of a paragraph is subject to a point of order, because when stricken out it would authorize an expenditure not provided for by law.

Mr. FITZGERALD. It has been repeatedly held that a point of order can not be made against the striking out of words on the ground that the amendment is not germane.

The CHAIRMAN. That it is not germane—that is quite true.

Mr. FITZGERALD. It can not be on the ground that it changes existing law, for there is no existing law.

The CHAIRMAN. But suppose the contention of the gentleman be true, that the original paragraph was not in order. Does the gentleman contend that because the original paragraph was not in order he can introduce a new substantive paragraph not in order, simply because it may be germane?

Mr. FITZGERALD. Certainly, if it be germane. There is no question about it.

The CHAIRMAN. But, after all, it is an entirely new substantive proposition.

Mr. FITZGERALD. No; it is not a new subject, I submit to the Chair. It simply changes the wording, and this money can all be used for the purpose mentioned in the original paragraph, for repairs and anything else that may be germane. The entire appropriation can be used for the improvement of the grounds.

Mr. KEIFER. Mr. Chairman, I think the amendment was understood as simply increasing the amount of the appropriation.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

Mr. MANN. It had better be read for the information of the gentleman from Ohio. He has not heard it.

Mr. KEIFER. I have heard it, and the gentleman from Illinois is the only man here who does not understand it. [Laughter.] The amendment is for the improvement of grounds and repairs of buildings, and the proposition is to make it $93,000 instead of $3,000 for the improvement and repair of buildings; but the gentleman from Illinois seems to think it is an absolutely different proposition, whereas it is the same thing, only the amount is increased.

Mr. MANN. The gentleman, as usual, is wrong. [Laughter.]

Mr. KEIFER. Let it be read for the benefit of the gentleman from Illinois.

Mr. MANN. It does not need to be read for the benefit of the gentleman from Illinois.

Mr. BUTLER. Regular order!

The CHAIRMAN. If there be no objection, the amendment will be reported for the third time.

The amendment was again read, as follows:

Line 5, page 123, strike out the words "repair of" and insert in place thereof "for;" and after the word "buildings" insert "ninety," so that the paragraph shall read "for improvement of grounds and for buildings, $93,000."

The CHAIRMAN. The Chair is awaiting the pleasure of the gentleman from New York, if he desires to continue.

Mr. FITZGERALD. I supposed that perhaps the Chair was getting information from a more authoritative source.

The CHAIRMAN. The Chair is well satisfied in his own mind, and is only waiting on the gentleman from New York for further light.

Mr. FITZGERALD. If the Chair has been completely satisfied from the other source, there is no need to spend the time of the committee.

The CHAIRMAN. The Chair is well satisfied, in accordance with the proposition that the Chair stated in the beginning, that even though the original paragraph were out of order, yet it could not be amended by a new substantive proposition. In other words, here is the rule:

In an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

And the Chair submits that this adds additional legislation. The Chair thinks it is clearly subject to the point of order.

Mr. FITZGERALD. I move to insert the word "ninety" after the word "building."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 123, line 5, after the word "building," insert the word "ninety" and a hyphen, so that it will read "$93,000."

Mr. MANN. Mr. Chairman, it seems to me a ridiculous proposition, and it will do no good to try and inject partisanship into a little matter of this kind, thinking you will get the best of it by proposing to increase this item of $3,000 for the improvement of grounds to $93,000. It is absolute ridiculousness run mad. They could not expend the money for a new building. What is the use when we have the Treasury in this condition? Of course the other side of the House would like to see us appropriate a hundred million dollars more than we can ever pay or raise.

A MEMBER. That is what you are doing.

Mr. MANN. Yes; and we are getting assistance for every extravagant proposition from the gentleman who made the remark. [Laughter.]

Mr. MACON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. MACON. I want the gentleman to except one Member on this side of the House. [Laughter.]

Mr. MANN. I was only referring to the gentleman who made the remark.

Mr. MACON. I do not want to be included in the gentleman's remark.

Mr. MANN. As a rule, I say frankly and fairly that the gentleman from New York does not come within it; he is one of the best Members of the House. I would not be understood as making any reflection upon him because he was misled long enough to offer such an amendment as this. Ninety-three thousands dollars for improvement of grounds! We might be led into voting for it. [Laughter.]

Mr. FITZGERALD. I hope the gentleman will vote for it.

Mr. MANN. The gentleman from New York may vote for it, but the gentleman from Illinois will not.

Mr. FITZGERALD. Mr. Chairman, this is not a ridiculous amendment. If I did not hope that before the bill was enacted into law the $90,000 would be made available for the science hall that is so much needed by this institution, I would not have offered the amendment. It is all very well to characterize such an amendment as "ridiculous," and talk about the diminished surplus, but this is the wrong place to economize when we are squandering millions for many purposes under this administration. It might have been well to have taken this small pittance of $100,000 or $90,000 from the appropriation for the army or navy, where it is not needed, and give the facilities for the education of these men which are so much needed for the colored and the white races.

I have not made this motion from any standpoint of partisanship nor to play cheap politics. I do it because I believe that this is imperative and should be done now. [Applause.] I will resort to any parliamentary expedient to get this appropriation if it can be had, and I hope this side of the House will do what I believe they will do, vote for this amendment, so that these colored men who are coming to Washington to complete their education may do so, and thus be of benefit to the people of their race and the people of the white race. They can not do so unless they have the facilities that everyone who has investigated this question knows are required.

I do not advocate appropriations which I believe are unnecessary, extravagant, or improper; but I think this is essential. It should be made now and had better be done now than to defer it until next year, when there will be no money.

Mr. TAWNEY. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. I trust that before the gentleman takes his seat he will call attention to the fact that had it not been for a gentleman on that side of the House the provision as reported by the committee would be carried in the open.

Mr. FITZGERALD. It might and might not. I do not find fault with a man on either side of the House exercising his rights under the rule. It is immaterial to me from which side it comes. I desire to have the appropriation made. I hope there will be votes on both sides sufficient to adopt the amendment.

Mr. GAINES of Tennessee. Can not that side of the House make a rule to put in the proposed item, and thereby prevent it being subject to a point of order, and have they done so?

Mr. TAWNEY. Nobody on this side of the House took it out of the bill.

Mr. GAINES of Tennessee. The gentleman points to this side of the House.

Mr. FITZGERALD. One moment, please. I do not want the gentleman to make his speech in my time. I have repeated several times, and I hope the House will agree with me, that this is an important item. The appropriation should be made now. It is not intended that the $90,000 should be expended for repairs and improvements. The $90,000 is needed for the new science hall for this colored university, in order that the colored medical students may have the necessary facilities for their education. I hope the House will give it.

Mr. FINLEY. Mr. Chairman, I will ask the gentleman why did not the Committee on Appropriations report the amount of $93,000?

Mr. FITZGERALD. It did report the $90,000 in a separate item which was eliminated from the bill on a point of order.

Mr. FINLEY. Not here.

Mr. FITZGERALD. I did not say it was reported here, but on the page preceding; but I have stated that the object of this amendment is not to give $93,000 for repairs and improvements,

but it is offered in the hope that before the bill is finally enacted into law the $90,000 will be made available for the science hall.

Mr. FINLEY. The gentleman says that this is a private corporation.

Mr. FITZGERALD. It is.

Mr. FINLEY. Are there not hundreds and thousands of other private institutions in the country that are deserving also?

Mr. FITZGERALD. Yes; but not occupying the same relation to this Government that this institution does.

Mr. FINLEY. They could occupy the same relation if the same action was taken, could they not?

Mr. FITZGERALD. They could, but they have not. I know several that I am particularly interested in myself that I should be glad to have the Government support. I have no special interest in this institution.

Mr. GAINES of Tennessee. Will the gentleman from New York tell us whether these colored people are going to be taught how to plow and how to make machinery, like Booker Washington is doing, or are they going to teach them how to read and write and be doctors and lawyers?

Mr. FITZGERALD. This particular hall is intended and needed for the medical department of the university. They have a large number of medical students. They need additional facilities in order that these men may work among the people of the colored race. I believe that it is necessary, and they should have these physicians.

Mr. GAINES of Tennessee. Are they going to teach them how to be farmers and mechanics, and so forth, like Booker Washington is doing?

Mr. FITZGERALD. Not out of this appropriation. There is a manual department in the university. I am not discussing that now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, it will be recalled that I called attention to the first part of this item, Howard University, and reserved a point of order on it for the purpose of ascertaining what reason there was for Congress to appropriate any money at all, and when I heard the statement of the gentleman from Minnesota [Mr. TAWNEY], which admitted that this was a mere gratuity, giving the history of the appropriation, I did not make any point of order on the first appropriation. The gentleman from Illinois [Mr. MANN], in a colloquy with me, stated that this appropriation would be $90,000 less than reported before the bill got through. I presume from that that he himself would have made the point of order.

Mr. COOPER of Pennsylvania. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. Yes.

Mr. COOPER of Pennsylvania. Do I understand the gentleman to say that he now does not wish to make a point of order against lines 3 and 4?

Mr. BARTLETT of Georgia. No; I have not said so.

Mr. COOPER of Pennsylvania. I thought that was the effect of the gentleman's statement. If the gentleman would do that, I would like to offer that as an amendment following line 6.

Mr. BARTLETT of Georgia. I did not so state.

Mr. MANN. Mr. Chairman, I do not propose to shirk the responsibility for making the point of order. I will say that if the gentleman from Georgia [Mr. BARTLETT] had not made the point of order I should have made it. The Treasury is in no condition to put up new buildings for this institution. It has gotten along for years without it, and all this talk about the necessity for it is pure rot.

Mr. BARTLETT of Georgia. Mr. Chairman, I know the gentleman from Illinois [Mr. MANN] would have made the point of order, but I do not care whether anyone shares with me the responsibility or not. I am responsible for making the point of order and I do not offer any apologies to the gentleman from Minnesota or anyone else for doing so.

It was my right to make it, and the gentleman from Minnesota [Mr. TAWNEY] would have risen upon his feet in his place in the consideration of this bill if any of us on this side or on that side had offered to appropriate money to erect a public building of any sort in our districts. In fact, the gentleman from Minnesota [Mr. TAWNEY] and this committee have refused to appropriate money recommended for buildings for which there is existing law, and here we are asked to appropriate money for buildings that are not authorized by law.

I have no objection to the education of the negro. My State, and the States of the South, expend millions and millions of dollars every year in their education. There are colleges in various States. I know one in North Carolina and one in my own State, particularly aided by state appropriation, where these people are educated in the higher branches, in the professions, so that it is not necessary that the money should at this time be taken from the Treasury to complete a building which is not authorized by law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman—— [Cries of "Vote!"]

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio desire to be recognized?

Mr. KEIFER. Yes; just for a moment. This amendment is now exactly as, in the confusion that existed, I understood it to be in the first place. I want to say that we are taking pains about economy in this bill. There seems to be very little trouble about appropriations much larger for Indian schools for the Indians.

We have about 250,000 Indians, savage and all classes, and we have something like 10,000,000 colored people. I suppose there is in this bill, according to the estimates, an appropriation of $200,000 for the education of the Eskimo—is that right—way up in our northern country or territory of Alaska. We are getting very liberal in some directions but not in regard to our 10,000,000 colored people and citizens. Some gentlemen seem to think that it is time to exercise economy when these unfortunate people are involved.

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

Mr. KEIFER. I will try; yes, I will yield.

Mr. GARRETT. The education of the Indians is a matter concerning which the Federal Government has taken special charge.

Mr. KEIFER. It took special charge of this institution long ago; more than forty years ago we commenced this good work, and we are now trying to carry it out according to the spirit in which we entered upon it.

Mr. GARRETT. The education of the 10,000,000 colored people is a matter in which the States have taken care and are now taking care.

Mr. KEIFER. The States have not in this instance, and we are providing the States and their institutions with teachers from Howard University.

Mr. GAINES of Tennessee. Will the gentleman permit me to make an inquiry of him? Have we not taken the Indians' lands from them and sold them and held the funds in trust and educated them with the proceeds?

Mr. KEIFER. No.

Mr. GAINES of Tennessee. Have we not at any time?

Mr. KEIFER. In some instances—I think not.

Mr. GAINES of Tennessee. I am glad to be enlightened, because my impression was that we sold their lands and held their funds in trust and sent them to schools to teach them this, that, and the other thing, among other things, how to be farmers, a thing you do not propose to do in this case. [Cries of "Vote!"]

The CHAIRMAN (Mr. OLMSTED). The question is on the amendment proposed by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. BARTLETT of Georgia) there were—ayes 88, noes 17.

So the amendment was agreed to.

The Clerk read as follows:

Freedmen's Hospital: For salaries and compensation of the surgeon in chief, not to exceed $3,000, and for all other professional and other services that may be required and expressly approved by the Secretary of the Interior; in all, $28,500. A detailed statement of the expenditure of this sum shall be submitted to Congress.

Mr. ROBINSON. Mr. Chairman, I move to strike out the last word. I would like to ask some gentleman in charge of this bill the reason for the requirement that a detailed statement of expenditures of this sum shall be submitted to Congress when the same requirement is not made as to other expenditures in a subsequent paragraph?

Mr. TAWNEY. This is a lump-sum appropriation, Mr. Chairman, for personal services, and it is for the purpose of giving Congress information as to the compensation paid to individuals employed and paid from this appropriation, which is required of a great many of the various departments of the Government for which appropriations are carried in this bill.

Mr. ROBINSON. The statement is to be submitted, of course, after the service is performed; it could not be submitted before.

Mr. TAWNEY. The service is a continuing service, and we require a report every session of Congress.

The Clerk read as follows:

For repairs to bridge connecting Rock Island Arsenal and the city of Davenport, $60,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman in charge of

this bill what part of the amount necessary to repair this bridge does the railroad pay that operates these cars across the bridge.

Mr. TAWNEY. The railroad company does not pay any part of the expenses now, under a ruling of the Comptroller of the Treasury, I think two years ago. The revenue that the company pays is paid into the Treasury of the United States to the credit of the general fund, and the Government of the United States pays——

Mr. OLLIE M. JAMES. What revenue do they pay?

Mr. TAWNEY. There is a specific contract between the railroad company and the Government.

Mr. OLLIE M. JAMES. I would like to ask the gentleman if it is not true——

Mr. TAWNEY. The gentleman is speaking about the steam railroad?

Mr. OLLIE M. JAMES. I am speaking about this bridge on which the railroad crosses.

Mr. TAWNEY. The railroad company owns half of that bridge.

Mr. OLLIE M. JAMES. How do they come into the ownership of half of that bridge?

Mr. TAWNEY. Because the Government of the United States——

Mr. HULL of Iowa. The law fixes it.

Mr. TAWNEY. The law passed by Congress fixes it.

Mr. OLLIE M. JAMES. But is it not true that the Government itself built all of that bridge except the laying of the ties and the placing of the rails upon it when it was erected?

Mr. SMITH of Iowa. That is not true.

Mr. OLLIE M. JAMES. I will call the attention of the gentleman from Iowa to the testimony of General Crozier, who says he thinks the Government built it. "My impression is that the railroad company only paid for the ties and rails" is the language of General Crozier in his testimony.

Mr. SMITH of Iowa. The trouble is that the gentleman confuses the railroad and the street railroad.

Mr. OLLIE M. JAMES. The street railroad?

Mr. TAWNEY. The street railroad the gentleman is referring to in his first question.

Mr. OLLIE M. JAMES. Does not the street railroad run across this bridge?

Mr. SMITH of Iowa. It does.

Mr. OLLIE M. JAMES. Does it not charge people to carry them across it?

Mr. SMITH of Iowa. It does.

Mr. OLLIE M. JAMES. And these repairs that are being made you are having the Government pay for? Why do you not have the street car railroad pay it?

Mr. SMITH of Iowa. The railroad paid for half the bridge.

Mr. OLLIE M. JAMES. The street railroad company?

Mr. SMITH of Iowa. The street railroad has a contract with the Government which has been variously modified both by statute and otherwise, and which we can hardly determine the justice of to-night, but which provides generally that the street railroad company shall furnish the power to turn the draw of this bridge; that it shall furnish the electric light, not only on this bridge and the other bridge at the same general location, but the lighting of the street connecting the two bridges. But, in further consideration of its crossing this bridge, it shall haul all passengers through Rock Island, from Davenport, Moline, or the city of Rock Island, for 2½ cents at certain hours of the day, in place of 5 cents.

Mr. HULL of Iowa. It applies especially to the employees of the arsenal?

Mr. SMITH of Iowa. It applies to everybody. In addition to that, the street railway company built a stub line extending up to the arsenal, and contracts to carry the arsenal employees at 1 cent below the regular rate.

Mr. OLLIE M. JAMES. I call the attention of the gentleman to the item for the maintenance and operation of the power plant of $12,500.

Mr. SMITH of Iowa. That is again a case of misapplication. The Rock Island is one of the greatest power plants in America. It has nothing whatever to do with the power that turns the draw span in the Mississippi River bridge.

Mr. OLLIE M. JAMES. If I understand the gentleman correctly then, all that the street car company does for the bridge which the Government built, according to General Crozier——

Mr. SMITH of Iowa. Half built.

Mr. OLLIE M. JAMES. I am taking his testimony.

Mr. SMITH of Iowa. His testimony is that it was half built by the Government. Do not misstate his testimony.

Mr. OLLIE M. JAMES. I have read his testimony absolutely correctly.

Mr. SMITH of Iowa. The gentleman read an extract from it that does not show what he meant at all.

Mr. OLLIE M. JAMES. The street railway company uses the bridge all the time?

Mr. SMITH of Iowa. It uses the bridge, and gives a 2½-cent fare in place of a 5-cent fare from Rock Island, Davenport, and Moline, and gives a 4-cent fare on this line, including the stub, to carry laborers up to the arsenal, lights the bridge, and lights the street connecting the two bridges, and furnishes the power to turn the span.

Mr. OLLIE M. JAMES. That is for the benefit only of those few people out there. Does not the gentleman think that, as this street railway company did nothing to build the bridge, and it is only giving the benefit of a 3-cent fare to the few people that use it out there, the street railway company ought to do something to help repair the bridge?

Mr. SMITH of Iowa. I am not going to determine to-night whether this street railway company, running back through years, was as liberal to the Government as it ought to have been. I do not see any connection between that question and the question of whether we are going to repair this bridge when the floor has rotted out.

Mr. OLLIE M. JAMES. Well, the street car company I am calling the gentleman's attention to is getting most of the benefit of it, and when it is doing that it ought to repair at least between its tracks.

Mr. SMITH of Iowa. As a matter of fact, they have got a contract partly by statute and partly with the War Department, and they are complying with it.

Mr. SHERLEY. How much of government ground do the tracks of the street railway run over?

Mr. SMITH of Iowa. I can not answer that question. They run up to the arsenal, and do so at the request of the government authorities.

Mr. SHERLEY. And also across the island, making the connection between the two cities.

Mr. SMITH of Iowa. I do not believe the street belongs to the Government.

Mr. SHERLEY. The right of way is a very valuable one, and I think they are paying very little for it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. GARRETT. I move to strike out the last two words.

The CHAIRMAN. The gentleman moves to strike out a couple of words.

Mr. GARRETT. I think, even at this hour of the night, the gentleman from Iowa ought to be willing to give us information about that.

Mr. SMITH of Iowa. I gave you all I had.

Mr. GARRETT. It is very voluminous, so far. Now, what are the relations between the steam railway and the electric street car company and the Government in this bridge?

Mr. SMITH of Iowa. Why, as I understand the facts, when this bridge was first built, forty years ago, it was built one-half by the railway company and one-half by the Government. When it was rebuilt a few years ago the same rule applied.

Mr. GARRETT. The steam railway?

Mr. SMITH of Iowa. The Rock Island Railroad.

Mr. GARRETT. Now, where does the street car company come in?

Mr. SMITH of Iowa. Now, subsequently, the street car company wanted to cross this bridge, and they made a contract with the Government, varying at different times. At one time there was a payment of $2,500 in cash for the privilege of crossing over, and certain other things, to the Government. But, finally, the contract has been reduced—I will not state whether it is fair or not—but under the contract now the Government is to be free from the expense of turning this draw in this bridge, and this is done by the power furnished by this motor company. The government employees—and they are about 1,500 in number—shall go to and from these works at the arsenal on a fare of $30 a day, as I remember the figures.

Mr. GARRETT. The government employees on what?

Mr. SMITH of Iowa. At the Rock Island Arsenal, which is situated on the island, in the middle of the Mississippi River.

Mr. CLARK of Missouri. I think if the gentleman from Iowa will take a minute or a minute and a half and explain the geographical situation out there, he would have no further difficulty.

Mr. SMITH of Iowa. I do not know that I can explain it better than to say that this Government acquired Rock Island and has on it its most important arsenal; that it is operated by water power, the water power referred to in the next item; that these 1,500 employees going back and forth to this arsenal

come from Davenport, Moline, and the city of Rock Island; that in order to get across this bridge they carry all the people, employees and others, during certain hours of the day for 2½ cents to and from these other places.

Mr. GARRETT. That is pretty good for those people who live there, but where does it come in for the benefit of the general public?

Mr. SMITH of Iowa. There are no people living on Rock Island, practically speaking; it is principally government employees; but some people go over there sometimes. The great body is the government employees, and this is to enable them to go backward and forward to this arsenal.

Mr. CLARK of Missouri. The geographical situation is this: Rock Island is in the middle of the Mississippi River, and that is where the arsenal is, and these people that work at that arsenal live in Davenport, Iowa, Rock Island and Moline, Ill. There are three towns right around there where these employees live, and they can not get to that arsenal except they go over this bridge.

Mr. GARRETT. Was the electric road built for the benefit of these employees?

Mr. CLARK of Missouri. Why, the three towns were composed practically of government employees and the people who have to support the government employees.

Mr. DAWSON. My good friend from Missouri has an entirely inadequate conception of the importance of this great industrial center. [Laughter.]

Mr. CLARK of Missouri. There never would have been any industrial center around there if this arsenal had not been established on Rock Island.

Mr. DAWSON. I am not so sure about that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT. I ask unanimous consent that the gentleman from Iowa may have five minutes——

Mr. TAWNEY. I move that all debate on this paragraph be now closed.

Mr. WILLIAMS. I hope the gentleman from Minnesota will allow five minutes at any rate.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph be closed.

Mr. WILLIAMS. I should like five minutes for the gentleman from Iowa to elucidate the question.

Mr. TAWNEY. There is no amendment pending.

The motion of Mr. TAWNEY was agreed to.

Mr. OLLIE M. JAMES. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "dollars" on line 23, page 124, insert the following: "*Provided*, That the street railway company operating and running the street cars across said bridge shall pay one-third of the expense for repairing the same."

Mr. TAWNEY. I make the point of order against the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. GARRETT. I move to strike out the paragraph.

The question being taken on the motion of Mr. GARRETT, on a division (demanded by Mr. GARRETT), there were—ayes 14, noes 65.

Accordingly the amendment was rejected.

The Clerk read as follows:

Picatinny Arsenal, Dover, N. J.: For extension of filling house, $10,000.

Mr. DRISCOLL. Mr. Chairman, I do not know whether these are separate paragraphs, or that they are all a single paragraph, but I desire to reserve a point of order on each of them separately.

Mr. GARRETT. Which one?

Mr. DRISCOLL. Well, on Picatinny. If that and several others all go in one paragraph, I will reserve my point until we get them all read.

Mr. TAWNEY. They are all separate paragraphs.

Mr. DRISCOLL. Then I reserve a point of order against this.

Mr. TAWNEY. Do not reserve it. Make it. Let us see what it is.

Mr. DRISCOLL. I make the point of order that it is new construction, and is not authorized by law.

The CHAIRMAN. The Chair will state that this appears to be an extension of a filling house.

Mr. GAINES of Tennessee. That is exactly what it is.

The CHAIRMAN. And unless there is a limitation on the cost of the same it would be in order.

Mr. GAINES of Tennessee. It is a continuation of a project already in progress.

Mr. DRISCOLL. If the building is 50 feet long, and they want to make it 150 feet long, that is new construction.

The CHAIRMAN. The Chair will ask the gentleman from New York if there is any legal limitation on the cost of that filling house?

Mr. DRISCOLL. I do not think it is authorized at all.

Mr. TAWNEY. There is no limitation. This is the house in which the cartridges are filled. Therefore it is called the "filling house." This is for the purpose of enlarging it.

The CHAIRMAN. The Chair is ready to rule. The paragraph appears on its face to be for an extension of an existing house. It seems, therefore, to be a continuation of a government work in progress, and the point of order is overruled.

Mr. DRISCOLL. It is not in progress. There is no appropriation for it in the present law.

The CHAIRMAN. The point of order is overruled.

Mr. GAINES of Tennessee. I should like to inquire of the gentleman from Minnesota where he gets the estimate for $10,000? In other words, is that enough?

Mr. TAWNEY. The estimate comes from the War Department, from the bureau of which General Crozier is the head.

Mr. GAINES of Tennessee. How much powder is it proposed to make there?

Mr. TAWNEY. Oh, I do not know. Ask me something easy.

Mr. GAINES of Tennessee. I thought nothing was hard to the distinguished gentleman.

Mr. TAWNEY. It depends upon the necessities of the service. If we have a war with Japan, why, we may need a great deal more than we otherwise would.

Mr. GAINES of Tennessee. I ask the question because I know that two years ago General Crozier had some doubt as to how much money he needed. The fortifications bill carried an item of about $160,000 to put up a factory at Sandy Hook.

Mr. TAWNEY. I would say to the gentleman that we have doubled the capacity for the manufacture of powder.

Mr. GAINES of Tennessee. How much does that mean; what amount in a day or a year?

Mr. JOHNSON of South Carolina. Will the gentleman from Tennessee allow me to interrupt him?

Mr. GAINES of Tennessee. Yes, indeed.

Mr. JOHNSON of South Carolina. The present capacity is 1,000 pounds a day. This enlargement will make it 3,000 pounds a day. That is the testimony.

The Clerk read as follows:

For enlargement of the powder factory, including the necessary accessories and buildings for housing employees, $175,000.

Mr. DRISCOLL. Mr. Chairman, I make the point of order against that paragraph on the ground that it is new construction not authorized by law.

Mr. GAINES of Tennessee. It is a continuation of a work already in progress.

The CHAIRMAN. This appears to be for the enlargement of an existing building. It is therefore within the exception of the rule as being in continuation of a government work already in progress. The Chair overrules the point of order.

Mr. GAINES of Tennessee. Just a word about Indianhead. I want to ask the gentleman from Minnesota if he knows that in the estimate of the cost of making powder at Indianhead, 43 cents, they take into consideration about a thousand acres of land deteriorating at the rate of 10 per cent a year, says Mr. Waddell in the Senate hearings, 1906–7? They have 800 acres which is used as a proving ground and 200 acres as a powder-plant territory. They also charge in the expense of policing the whole premises, which, we all know, is not a legitimate charge in making up the cost of powder made by the Government down there at Indianhead. Of course that is absurd.

I am stating this from the testimony of Colonel Dieffenbach, a navy officer, in his letter in these Senate hearings. Mr. Waddell is an expert powder man at Peoria, Ill. He used to work for the powder trust and was an expert government witness in this case against the octopus—this full-stomach affair that has gobbled up money from the Government for nearly a century, but is now harnessed up in the federal court, thank the Lord—Waddell, Roosevelt, and a few others. He states that it costs 34 cents to make the powder, and everything above that is profit, and yet we are paying 64 cents for a part and 84½ cents for powder for arms of small caliber. That is what we are paying this octopus, and I am glad to see that the Government is coming to the rescue of the Treasury and turning its face against this great octopus that has been prowling around in the Treasury of the United States for more than a century [laughter] and is making this octopus behave like a law-abiding citizen, which it never has done before. [Applause.]

The Clerk read as follows:

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

That the application of the rules and regulations heretofore prescribed or that may be hereafter prescribed by the Chief of Engineers, United States Army, under the authority granted by section 6 of an act

of Congress approved July 1, 1898, for the government and proper care of all public grounds placed by that act under the charge and control of the said Chief of Engineers, is hereby extended to cover the sidewalks around the public grounds and the carriageways of such streets as lie between and separate the said public grounds.

Mr. MANN. Mr. Chairman, to that I reserve a point of order. Under this provision, which extends the jurisdiction of the Chief of Engineers to sidewalks and streets, I want to ask whether that will oust the jurisdiction of the police officers of the District?

Mr. TAWNEY. It does not at all; their jurisdiction is coextensive.

Mr. MANN. I think not. Do the police officers of the District have jurisdiction within the parks?

Mr. TAWNEY. Yes; inside the parks and around the parks.

Mr. MANN. The Chief of Engineers now has police jurisdiction over the parks themselves?

Mr. TAWNEY. Within the parks.

Mr. MANN. And the District officers do not have the jurisdiction?

Mr. TAWNEY. The District police officers have jurisdiction within the parks.

Mr. MANN. Concurrent jurisdiction?

Mr. TAWNEY. Yes; concurrent jurisdiction.

Mr. MANN. They have police officers for the park?

Mr. TAWNEY. Yes; the city police make arrests within the park; they have jurisdiction; but the park policemen have no jurisdiction to make arrests on the sidewalks.

Mr. MANN. The gentleman says that the District police and the park police have common jurisdiction within the parks?

Mr. TAWNEY. Yes.

Mr. MANN. I think the gentleman is wrong, although I do not wish to put my opinion against his.

Mr. TAWNEY. When the request for the extension of the jurisdiction of the park police was requested, inquiry was made as to whether or not the jurisdiction of the city police was coextensive with that of the park police, and we were informed by the Superintendent of Public Buildings and Grounds that their jurisdiction was coextensive.

Mr. MANN. And concurrent?

Mr. TAWNEY. Yes.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

For improvement, care, and maintenance of various reservations, including purchase, maintenance, and driving of horse and vehicle for official use of the officer in charge of public buildings and grounds, and of other necessary vehicles, for official use, $26,000.

Mr. LLOYD. Mr. Chairman, I move to strike out the last word, in order to make some inquiries.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order to the section.

The CHAIRMAN. The gentleman from Kentucky reserves the point of order.

Mr. TAWNEY. Mr. Chairman, the reservation of the point of order comes too late. The gentleman from Missouri has moved to amend the paragraph.

Mr. CLARK of Missouri. Mr. Chairman, when this bill was first reported to the House all points of order were reserved, and we do not have to make points of order individually to the section.

Mr. OLLIE M. JAMES. Certainly; because the gentleman from Missouri had said he wanted to strike out the last word——

Mr. TAWNEY. He moved to strike out the last word, and commenced to talk about the paragraph.

Mr. OLLIE M. JAMES. The committee seems to resolve itself into a fierce rivalry as to who can get out the first word and as to who the Chairman hears uttering the first word. I do not think the gentleman from Minnesota ought to depart from the usual rule.

The CHAIRMAN. The Chair thinks that the gentleman from Kentucky was on his feet to reserve the point of order, and that the reservation does not come too late.

Mr. WILLIAMS. Unless there has been debate the gentleman has a right to make the point of order.

Mr. TAWNEY. The point of order does not lie to the section, anyway.

Mr. LLOYD. I refer to the section from lines 9 to 13, inclusive, on page 129. I wish to inquire how much is for vehicles and how much for horses?

Mr. TAWNEY. I do not know how much is for maintenance of the dray horses and the express wagons and horses used in the express wagons. There is none of it for carriages—that is, for the accommodation of the Superintendent of Public Buildings and Grounds.

Mr. LLOYD. Is there any carriage provided for anybody in this paragraph excepting the carriage for the Superintendent of Public Buildings and Grounds?

Mr. TAWNEY. I asked Colonel Bromwell these questions:

What other necessary vehicles do you use outside of those used by yourself?

Colonel BROMWELL. The assistant engineer has a buggy and the landscape gardener has a buggy.

The CHAIRMAN. These are all? Those are the only vehicles outside of your own that are provided for in this appropriation?

Colonel BROMWELL. Yes.

Mr. LLOYD. Then there are three buggies provided for three officers?

Mr. TAWNEY. Yes; they are used in going around and superintending the work in these different parks.

Mr. LLOYD. How many horses are used?

Mr. TAWNEY. Only three.

Mr. GARRETT. Will the gentleman permit a question? Would it not be a good idea to substitute automobiles?

Mr. TAWNEY. I do not think so, until these horses die, anyway.

Mr. LLOYD. Have they not any two-horse carriages in this connection?

Mr. TAWNEY. I have given the gentleman all the information I have. The Superintendent of Public Buildings and Grounds says that he has this horse and carriage of his own, and then the superintendent and the landscape gardener each has one.

Mr. LLOYD. Did he give the gentleman any information as to the number of vehicles necessary to be purchased during the year?

Mr. TAWNEY. No; he does not ask for any. He is going to use the old ones for another year.

Mr. GARRETT. Suppose that horse dies?

Mr. LLOYD. Then if he does not need to purchase any during the year, is not the appropriation too large?

Mr. TAWNEY. The appropriation is not for vehicles and horses alone. The principal amount of this money is expended for the improvement, care, and maintenance of the various reservations or parks in the city under the jurisdiction of the Superintendent of Public Buildings and Grounds.

Mr. LLOYD. I beg the gentleman's pardon. That is an entirely different paragraph in which that appropriation is made. This is for the improvement, use, and maintenance of certain reservations, including the purchase and maintenance and care of vehicles and horse.

Mr. TAWNEY. The paragraph to which the gentleman refers is lines 9 to 13, inclusive, on page 129.

Mr. LLOYD. Yes; and I am trying to find out how much is for the use and care and maintenance of the reservations and how much is for the vehicles and how much for horses.

Mr. TAWNEY. There is no separate amount stated by the Superintendent of Public Buildings and Grounds.

Mr. LLOYD. Then we must vote on this matter without knowing how much is necessary.

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

Mr. GARRETT. Let me ask the gentleman from Minnesota a question in all seriousness. Ought not half of this to be paid out of the revenues of the District?

Mr. TAWNEY. It is.

Mr. GARRETT. It does not say so here.

Mr. MANN. It does, on page 131.

Mr. TAWNEY. There is a general provision as to all these items.

Mr. MANN. Does not the gentleman from Missouri think there is some discrimination? This provides for the care and maintenance and purchase and driving of horses and vehicles for official use of officer in charge of public buildings and grounds, and then only provides for other necessary vehicles for official use. It does not provide for a horse at all. There may be a dozen vehicles and only one horse. Is not this rather working the horse too much? [Laughter.]

Mr. GARRETT. That depends on the horse.

Mr. MANN. Is this a horse on the officer who gets the horse or a horse on the officer who only gets a vehicle without a horse?

Mr. LLOYD. I am sorry I can not answer the question of the gentleman.

Mr. GARRETT. Mr. Chairman, I ask unanimous consent that this paragraph may go over without prejudice, as we are not able to get the information.

Mr. TAWNEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. OLLIE M. JAMES Mr. Chairman, I move to strike out the word "twenty," so the paragraph will read "$6,000" instead of "$26,000." I think that is enough for one horse.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

In line 13, page 129, strike out the word "twenty," so that it will read "$6,000."

The question was taken; and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. OLLIE M. JAMES) there were—ayes 45, noes 71.

Mr. OLLIE M. JAMES. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. TAWNEY and Mr. OLLIE M. JAMES) reported that there were—ayes 53, noes, 62.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman——

Mr. COX of Indiana. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. COX of Indiana. For the purpose of offering an amendment. Strike out, in line 13, the word "six" and insert the word "five," so as to make it read "$25,000."

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 129, line 13, strike out the word "six" and insert the word "five," so that the amendment will read "$25,000."

The CHAIRMAN. The question is on the amendment.

Mr. TAWNEY. Mr. Chairman, just a moment. I do not think the gentleman from Indiana will make his motion or insist upon it if he understands the facts. This appropriation has been increased to the extent of $1,000 on account of the number of new reservations that have been made and brought under the jurisdiction of the Superintendent of Public Buildings and Grounds, which must be improved and will be improved during the coming fiscal year.

That is the reason for this additional $1,000. The appropriation heretofore has been $25,000 for all the reservations under the control of the Superintendent of Public Buildings and Grounds. Next year there will be several reservations which will come under his control, and they will continue to come under his jurisdiction, which will necessitate an additional amount.

Mr. COX of Indiana. Mr. Chairman, I listened to the discussion between the gentleman from Missouri and the gentleman from Minnesota as to the reason why this appropriation was increased $1,000, and I could not gather any reason for it.

Mr. TAWNEY. The gentleman from Missouri was not asking why the appropriation was increased, but he was asking about horses and carriages.

Mr. COX of Indiana. I understood that, and I was waiting patiently for the gentleman from Minnesota to explain the reason why, and I turned back to the current appropriation bill and I found the language of the last appropriation was practically the same as it is in this bill; but the reason for the increase of $1,000 I did not know, but I do believe, Mr. Chairman, that $25,000 is enough for this work anyhow.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GAINES of Tennessee. To ask unanimous consent to go back to page 128, line 9, "for ordinary care of Lafayette Park, $2,000."

Mr. TAWNEY. What for?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to page 128 for the purpose indicated.

Mr. MANN. There has been no purpose indicated.

Mr. TAWNEY. I object.

Mr. GAINES of Tennessee. I ask unanimous consent to make an inquiry.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to make an inquiry. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Mr. Chairman, I was very busy at the time.

A MEMBER. Regular order!

Mr. GAINES of Tennessee. The regular order is to get information whenever I can and where I need it. Now, Mr. Chairman, I ask the committee the reason why that park is named "Lafayette?"

Mr. TAWNEY. To what part of the bill does the gentleman refer?

Mr. GAINES of Tennessee. Line 9, on page 128. It is named "Jackson Park;" and while I would not for a moment deprive Lafayette of any homage we can pay him, I say there is no law, or I have been unable to find any, to justify calling it "Lafayette Park," and I intended to call it to the attention of the chairman of the committee when we reached it; but I was diverted at the time, and we passed over it. That is why I asked to go back. It ought to be "Jackson Park."

I have unanimous consent to proceed.

Mr. TAWNEY. The gentleman has unanimous consent to ask a question.

Mr. GAINES of Tennessee. My question is, now, What objection has the gentleman to calling it "Jackson Park?"

Mr. TAWNEY. Simply because the park is called "Lafayette Park" and was known in the appropriations for the last half century as "Lafayette Park."

Mr. GAINES of Tennessee. It was not. It was first called "Jackson Park" and it is now called "Lafayette Park," and there is no law for that that I can find.

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

The CHAIRMAN. Regular order is demanded, and the Clerk will read.

The Clerk read as follows:

For laying cement and other walks in various reservations, $2,000.

Mr. ROBINSON. Mr. Chairman, I move to strike out the last word. I would like to ask what reservations are referred to there?

Mr. TAWNEY. Government reservations in the District of Columbia.

Mr. ROBINSON. In the District of Columbia exclusively?

Mr. TAWNEY. Yes, sir.

The Clerk read as follows:

And the jurisdiction over the portion of north B street required for said roadway, now under the control of the Commissioners of the District of Columbia is hereby transferred to the Chief of Engineers, United States Army.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on that. Has that matter been submitted by the District Committee?

Mr. TAWNEY. No; it has not, nor has the District Committee any jurisdiction over the subject.

Mr. GARRETT. It has not any?

Mr. TAWNEY. No.

Mr. GARRETT. The Committee on the District of Columbia has no jurisdiction over B street?

Mr. TAWNEY. Over B street? Of course it has jurisdiction over B street.

Mr. MANN. That is the proposition.

Mr. TAWNEY. I thought the gentleman was referring to the park.

Mr. CAMPBELL. Referring to the paragraph beginning on line 10 and ending on line 16, on page 130.

Mr. GARRETT. That is it.

Mr. TAWNEY. Does the gentleman refer to the paragraph beginning with line 22 and ending with line 25?

Mr. GARRETT. Yes, sir.

Mr. TAWNEY. If the Government of the United States improves this street as part of the park improvement, the jurisdiction of the street will have to be transferred to the Superintendent of Public Buildings and Grounds, who is in control of all the parks and streets.

Mr. GARRETT. Now, is not that a District matter? Is not that a matter that ought to go before the District Committee?

Mr. TAWNEY. No.

Mr. MANN. This street, as I understand it, is a street that is now being improved as a part of the park system. I was up there Sunday and walked all over it. I wish the gentleman had been along. It would have added very greatly to my company.

Mr. GARRETT. The pleasure would have been mine. But after all——

Mr. MANN. It is quite essential, I should say, that if that street were to be improved as a part of the park system, the engineer should have jurisdiction over it as a part of the park or alongside of the park.

Mr. GARRETT. I am not entering into the merits of the matter. The thing I am trying to get at is whether that is not a matter that ought to be referred to the District Committee.

Mr. LLOYD. I want to ask the gentleman from Illinois [Mr. MANN] why it is that the District of Columbia has no jurisdiction, when one-half of the expense of it is to be paid by the District of Columbia?

Mr. MANN. One-half of the expense of all of these parks is paid by the District of Columbia.

Mr. LLOYD. Yet the District Committee, which controls the affairs of the District, has no jurisdiction whatever over the parks?

Mr. MANN. I did not say anything about comparative jurisdiction of the committee.

Mr. LLOYD. I beg the gentleman's pardon; he did not. It was the chairman of the committee, the gentleman from Minnesota [Mr. TAWNEY].

Mr. MANN. I apprehend that a bill for that purpose would have been referred to the Committee on the District of Columbia, but as this bill carries the appropriation for the improvement of the park and the street, I think it quite proper that the transfer of the jurisdiction should be made in connection with the appropriation for the improvements.

Mr. GARRETT. In other words, it was excusable, but can not be justified under the rule.

Mr. MANN. If it were a bill introduced, it would be subject to the point of order, and the bill introduced, I think, would go to the Committee on the District of Columbia.

Mr. GARRETT. I make the point of order on that.

The CHAIRMAN. The paragraph is plainly a change of existing law, and the point of order is sustained.

The Clerk read as follows:

For commencing the improvement of the interior portions of section 1 of Potomac Park, grading, soiling, seeding, planting, and laying out walks, $15,000.

Mr. GARRETT. I reserve or make the point of order on that paragraph.

Mr. OLLIE M. JAMES. I ask the gentleman to reserve the point of order, so that we may have an explanation of it.

Mr. TAWNEY. I insist that the gentleman make the point of order if there is to be a point of order.

The CHAIRMAN. Will the gentleman from Tennessee state his point of order?

Mr. GARRETT. There is no law for it; it is new legislation; there is no authority of law for the appropriation.

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

Mr. GARRETT. I have made it, but the gentleman from Kentucky asked me to reserve it. I would like to hear from the chairman as to the necessity for it. It is new legislation.

Mr. TAWNEY. It is a public work in progress; the United States controls this park.

The CHAIRMAN. It is an appropriation for commencing the improvement of the interior portions of Potomac Park, in continuation of a public work in progress, and as such excepted from the rule.

Mr. GARRETT. How can it be a continuing if it is just commencing?

The CHAIRMAN. The park is there and the improvement of the park in its exterior portions has apparently commenced, and this provision continues the improvement to the interior. The Chair overrules the point of order.

Mr. GARRETT. I understand the Chair to say that commencing is continuation?

The CHAIRMAN. The park was commenced and the improvement of the park is a continuation of the improvements already in progress.

Mr. GARRETT. Then the Committee on Appropriations is very unfortunate in the use of language. [Cries of "Regular order!"]

The CHAIRMAN. The Chair overrules the point of order.

The Clerk read as follows:

Under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid in the District of Columbia prior to July 1, 1886, and with a base of not less than 6 inches in thickness.

Mr. GAINES of Tennessee. I move to strike out, on page 131, line 13, the word "laid," which is clearly a limitation.

The Clerk read as follows:

Page 131, line 13, strike out the word "laid."

Mr. GAINES of Tennessee. That is a limitation, because it requires for this purpose in the future that you make it of a quality equal to the best that we have already "laid" here. Now, there is a new kind of street material. It is a vita-lithic process. If this bill passes with this limitation in here, it will exclude the commissioners from adopting the vita-lithic process or any new and better process, because none of it has been "laid" in this city. And yet this is to get the very best "laid."

Mr. MANN. This is what is called the asphaltum here. It is a limitation and only applies in this case.

Mr. GAINES of Tennessee. It bars a new and better kind.

Mr. MANN. It is only a limitation.

Mr. GAINES of Tennessee. I will ask the gentleman to read it, then.

Mr. MANN. I have been reading it for the last twelve years, and we have been making appropriations every year.

Mr. GAINES of Tennessee (reading):

No contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than $1.85 per square yard for a quality equal to the best laid.

Mr. MANN. That is already laid in the District, and it only applies to the making of repairs to the concrete and asphalt pavement, and is the same provision carried in the District of Columbia bill and carried in this bill every year that fixes the standard according to a pavement laid in 1888, and done in accordance with that standard.

Mr. TAWNEY. I would say to the gentleman from Tennessee that the standard for this pavement referred to the pavement that was laid in 1886 in Franklin square, and it was considered as the best pavement in the District of Columbia. This has been carried in the District appropriation bill and the sundry civil bill for a great many years. That pavement was personally supervised and superintended by General Ketchum, for many years a Member of this House. It was at his instance that this provision was put in and kept in, so as to keep the standard up to that which was laid in this particular street.

Mr. GAINES of Tennessee. Mr. Chairman, I ask for five minutes, so that I can make myself plain.

Mr. WALDO. I move that all debate——

Mr. GAINES of Tennessee. I move to strike out the last word. The gentleman from New York seems to be very much adverse to my giving information or getting information.

The CHAIRMAN. Does the gentleman withdraw his pro forma amendment?

Mr. GAINES of Tennessee. No; I do not.

The CHAIRMAN. Then the gentleman can not move to strike out the last word. There is an amendment already pending.

The question is on the amendment proposed by the gentleman from Tennessee.

The question was taken, and the amendment was rejected.

Mr. WILSON of Pennsylvania. I move to strike out, in lines 13 and 14, after the word "Columbia," in line 13, down to and including "eighty-six," in line 14.

The Clerk read as follows:

Lines 13 and 14, strike out the words "prior to July 1, 1886."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 131, lines 13 and 14, strike out "prior to July 1, 1886."

Mr. WILSON of Pennsylvania and Mr. GARRETT rose.

The CHAIRMAN. The question is on the amendment of the gentleman from Pennsylvania.

The affirmative vote was taken.

Mr. GARRETT. Mr. Chairman, I submit that the gentleman from Pennsylvania [Mr. WILSON] is on his feet, desiring to address the House.

The CHAIRMAN. The gentleman from Pennsylvania did not ask recognition. He is entitled to be heard on the amendment if he desires.

Mr. WILSON of Pennsylvania. I was on my feet seeking recognition from the Chair and had secured recognition.

The CHAIRMAN. The Chair recognized the gentleman to offer the amendment.

Mr. WILSON of Pennsylvania. This is a limitation relative to the quality of asphalt. It provides that the standard shall be the best that existed prior to 1886. I submit that the standard should be the best existing at any time, either prior to 1886 or since that time. Hence I offer my amendment. That is all I have to say.

The question being taken, on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 49, noes 63.

Mr. WILSON of Pennsylvania. I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. TAWNEY and Mr. WILSON of Pennsylvania.

The committee again divided; and the tellers reported—ayes 48, noes 52.

Accordingly the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment to strike out the words "laid in the District of Columbia prior to July 1, 1886, and."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Lines 13 and 14, page 131, strike out beginning with the word "laid" and ending with the word "and."

The question being taken, the amendment was rejected.

Mr. SABATH. Mr. Chairman, I move to amend by striking out, in line 12, the words "eighty-five" and inserting in lieu thereof "sixty-five."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 12, strike out "eighty" and insert "sixty."

Mr. SABATH. That will make it $1.65.

The question being taken, the amendment was rejected.

The Clerk read as follows:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

Mr. WILLIAMS. Mr. Chairman, I should like to interrogate the chairman of the committee a moment. I notice that this is for "ordinary" care, repairing and refurnishing of the Executive Mansion. May I ask the gentleman why, under an extraordinary administration like this, we provide for only "ordinary" care and repairs?

Mr. TAWNEY. Well, this appropriation is for the next administration.

Mr. GARRETT. The gentleman misunderstands. He speaks of the present administration.

Mr. WILLIAMS. Yes.

Mr. GARRETT. The present administration is extraordinary; the next administration is to be ordinary.

Mr. WILLIAMS. Both administrations are extraordinary.

Mr. GARRETT. Why?

Mr. WILLIAMS. Because I saw a solemn announcement in a New York paper to the effect that upon the 4th of March next the American people were to experience a great revolution; that under the auspices of the Republican party they would upon that day change a President who could lick his weight in wildcats for a President who could eat his weight in possums. [Laughter.] Now, I submit that both are extraordinary administrations, and I move to insert the word "extra" before "ordinary."

Mr. SMITH of Iowa. Pardon me, but the next item carries the extraordinary appropriation.

Mr. WILLIAMS. No; that is for—

re-covering walls, reupholstering, and re-covering furniture, painting, decorating—

Now, neither administration needs any decorating.

Purchase of draperies.

They do not need draperies.

Mr. GARRETT. Yes; but the gentleman has overlooked the "and so forth."

Mr. EDWARDS of Georgia. And upholsteries.

Mr. WILLIAMS. I move to insert the word "extra" immediately preceding the word "ordinary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 9, page 132, before the word "ordinary," insert the word "extra."

Mr. WILLIAMS. I offer this solemnly to the American people and the American Congress, as my homage of reverence to these two Republican administrations.

The question being taken on the amendment of Mr. WILLIAMS, on a division (demanded by Mr. GAINES of Tennessee and Mr. WILLIAMS) there were—ayes 45, noes 67.

Accordingly, the amendment was rejected.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making an inquiry about the expenditure of this $35,000. My understanding the other day was that we provided the President of the United States with an automobile, at a cost of $12,000, and it looks like from this section we have the same amount for horses and vehicles as before. I want to ask the chairman in charge of the bill if this section is necessary in view of the fact that the other day we appropriated $12,000 for automobiles. I think that was too much. I do not think you ought to appropriate anything for automobiles. I am in favor of horses as far as I am concerned, because Kentucky produces them. I have no antipathy to this section because it provides for horses, but I want to find out whether the $35,000 is necessary.

Mr. MADDEN. I understand that Kentucky horses are retrograding.

Mr. OLLIE M. JAMES. Not at all; they are progressing and not retrogressing.

Mr. BARTLETT of Georgia. Mr. Chairman, when the question of appropriating for automobiles was before the committee I asked the gentleman from Minnesota if they would not require all of this money for horses and carriages notwithstanding we appropriated the $12,000 for autombiles. I call his attention to the fact that there was appropriated last year $35,000 for this purpose, and he said only $25,000.

Mr. OLLIE M. JAMES. That is the point I was making and which I desire to ask the chairman about.

Mr. BARTLETT of Georgia. The gentleman from Minnesota stated that if they got the appropriation of $12,000 they would not require this $35,000.

Mr. OLLIE M. JAMES. It was urged on the House that it was a matter of economy to provide the President with $12,000 for an automobile, and here they come along with the same old section as before, taking $35,000 of the people's money from an almost empty Treasury to provide the vehicles and horses. [Laughter.]

Mr. TAWNEY. If the gentleman from Kentucky had his way it would be empty now.

Mr. OLLIE M. JAMES. Not at all. If the gentlemen on that side voted for economy like I do, there would be a surplus instead of an empty Treasury. [Applause on the Democratic side.] The gentleman from Illinois drew the attention of the committee to the fact that this side of the House did not care how much you appropriated; but if we were actuated by partisan motives, of course we would want you to do what you always have done—empty the Treasury when you got a chance. [Laughter.] But we are in favor of economy; we want to save the people's money. [Laughter and applause on the Democratic side.]

I call the attention of the House to the warning of the gentleman from Illinois [Mr. MANN] that you must cut down expenses. The Treasury is empty now. You should not appropriate $12,000 for automobiles and then come in here for $35,000 for horses and vehicles for the President, the amount heretofore appropriated. How many horses does it take, and how many vehicles does it take, to run the President? Mr. Chairman, I move to strike out the word "thirty-five" and insert the word "twenty-three," so that it will read "$23,000."

Mr. BEDE. Twenty-three is "skidoo." [Laughter.]

Mr. TAWNEY. Mr. Chairman, I move that all debate now close on this paragraph and amendments.

Mr. CLARK of Missouri. I want to ask the gentleman from Minnesota a question. When we had this squabble about an automobile for the President, did not I ask the gentleman from Minnesota if we would not appropriate this same $35,000, and did he not tell me that it would be an economical performance, and that the appropriation for horses and vehicles would be cut out?

Mr. TAWNEY. I did say it.

Mr. CLARK of Missouri. Then why do not you cut it out?

Mr. OLLIE M. JAMES. I have offered an amendment to cut it down.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the paragraph and amendment be now closed.

The question was taken, and on a division (demanded by Mr. GAINES of Tennessee and Mr. CLARK of Missouri) there were 75 ayes and 57 noes.

So the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kentucky.

The question was taken, and on a division (demanded by Mr. OLLIE M. JAMES) there were 58 ayes and 77 noes.

Mr. OLLIE M. JAMES. Tellers, Mr. Chairman.

Tellers were ordered. The Chair appointed as tellers Mr. OLLIE M. JAMES and Mr. TAWNEY.

The committee again divided, and the tellers reported that there were 49 ayes and 61 noes.

So the amendment was lost.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Insert, at the end of line 13:

"*Provided*, That not more than $13,000 of the above appropriation shall be used in the purchase of horses and vehicles.

Mr. COX of Indiana. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, debate has been closed on this paragraph and all amendments thereto.

The CHAIRMAN. Debate is closed on this paragraph and all amendments. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. Cox of Indiana) there were—ayes 49, noes 63.

So the amendment was rejected.

The Clerk read as follows:

For extraordinary repairs of the White House, for re-covering walls, reupholstering and re-covering furniture, painting, decorating, purchase of drapery, etc., to be expended by contract or otherwise, as the President may determine, $15,000.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I want to say, Mr. Chairman, that there are but five legislative days remaining of this session. This is the most important appropriation bill the Congress of the United States

has to enact. It is absolutely necessary, if we are to perform our duty and enact this bill, that we act upon it at this session in time for the Senate to give some consideration to the bill. I have given every reasonable opportunity for legitimate debate, and I have not complained of the levity that has been indulged in for the last two hours, but I want to call to the attention of the members of this committee the fact that unless we go on with the consideration of this bill as Representatives ought to do, and give consideration to it, we will not be able to pass this bill in time to reach the Senate so that that body can give any consideration to it whatever, and the responsibility for that will fall upon the House of Representatives. I trust that during the remainder of the session we may now go on with the consideration of the bill and such amendments only will be proposed as are proposed in good faith, and that there will be no more delay than possible.

Mr. WILLIAMS. Mr. Chairman, I have listened to the lecture of the gentleman from Minnesota [Mr. TAWNEY] with very much attention, and with a great admiration for his versatility. [Laughter on Democratic side.] It is the first time I have ever seen him playing that peculiar rôle. If there is any fault for having this bill in here at this late hour it rests upon the Republican party in this Congress. If there shall be any fault in not getting it out of the Senate, it will rest with the Republican party there. We propose to consider this bill with diligence, with industry, with attention, with vigilance, and offer all necessary amendments in order that it may be carefully and deliberately considered. We propose to see to it that the requisite amount of money necessary is provided for the running of this Government, and in that view I now propose, in line 18, on page 132, to strike out the word "fifteen" and insert the words "twenty-five" therefor.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will read.

The Clerk read as follows:

Line 18, page 132, strike out "fifteen" and insert "twenty-five."

Mr. WILLIAMS. Mr. Chairman, that is a provision which provides for the "cleaning up" at the White House. [Laughter on the Democratic side.] I am an economist, but when it comes to providing money enough for this administration to clean itself, if it can, I am in favor of not being parsimonious. [Laughter on the Democratic side.] Mr. Chairman, if it were not for fear that the amendment might be misunderstood, I would also move that, in line 14, on page 132, the words "white washing" be inserted between the words "for" and "recovering." The strenuous life——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "for," in line 14, insert the words "white washing."

Mr. WILLIAMS. Hold on, Mr. Chairman. I said if it were not for fear of being misunderstood I would offer that amendment. I have not offered it. Mr. Chairman, I have always tried to be, as you all know, to the highest degree dignified and respectful in all my political conduct toward the Chief Executive and the legislators of the opposite party, whom I love so much individually, and therefore I do not want to use those words.

I am willing to stand by "re-covering and reupholstering," both of which words appear in "the cleaning up" provision of this bill. I now move, Mr. Chairman, the amendment which I have already offered; and just to show how anxious I am to hurry up the public business and not to consume the time of the House needlessly, I ask unanimous consent that there be no further debate on the paragraph and amendments thereto, and that we vote at once upon the amendment I offer.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and amendments be closed. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, $25,000.

Mr. COOPER of Pennsylvania. Mr. Chairman, I move to strike out this paragraph.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order.

Mr. COOPER of Pennsylvania. Mr. Chairman, if I understand it, we made provision on the legislative bill which will wipe out the necessity for this paragraph, and while it has not yet been enacted into law, I think in all probability it will be, and there will be no necessity for this paragraph.

The CHAIRMAN. The question is on the motion to strike out the paragraph.

Mr. TAWNEY. I consent, Mr. Chairman.

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

The Clerk read as follows:

For lighting arc electric lights in public grounds, as follows: For 7 in grounds south of the Executive Mansion, 32 in Lafayette, Franklin, Judiciary, and Lincoln parks, 14 in grounds south of Executive Mansion and in Monument Park, and 27 in Potomac Park driveway, at not exceeding $80 per light per annum, which sum shall cover the entire cost of lighting and maintaining in good order each of said lights; in all, $6,400, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the word "Lafayette," in line 17, page 134, and insert in lieu thereof the word "Jackson."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 17, page 134, strike out the word "Lafayette" and insert the word "Jackson."

Mr. GAINES of Tennessee. Mr. Chairman, I want to say that I have spent all the time that I possibly could during the last ten days, and I have had the kind assistance of experts to aid me, in trying to find the existing laws of the United States on this subject, but I find no statute—"existing law"—authorizing the naming of this park "Lafayette Park." My information is that it was originally named "Jackson Park" many, many years ago, possibly about the time the equestrian statue of Jackson was placed in this park just opposite the front of the White House yard. We have done very little in this city to what we should have done to show we respect and honor the memory of Andrew Jackson, and I see no reason why we should brush aside his name, in an appropriation bill or in a general law, or otherwise, and substitute the name of the other patriotic man, Lafayette. About fourteen years ago an effort was defeated in Congress to place the Lafayette statue (now on the corner of this park) in front of the Jackson statue (also in this park), facing the White House door, thereby excluding, practically, the sight of the Jackson statue from the White House door, where I have seen hundreds stop and say: "That is Jackson's statue over there in the park. There he is on the horse," and then discuss Jackson. This effort was strenuously opposed by the lamented Senator William B. Bate, and the Lafayette statue remained where it was.

There is always some one trying to change the name of this park from "Jackson" or "Lafayette" to something else. There has been recently a bill introduced in this House to call this place "Independence Park." I wish to say that Jackson's mother was a heroine in the war for independence, and her grave is unknown to-day and was unknown to General Jackson himself, though he tried to find it. She died from disease contracted while attending to sick soldiers, who had been fighting for independence. One of her sons was a hero in the war for independence, and his dust rests in an unknown grave. Another son was a like hero; his ashes were buried in a soldier's grave, but the place is unknown. The father of Jackson is buried in a known graveyard, but the exact grave is unknown, while Andrew Jackson, a soldier in this great war for independence, God spared to serve and save his country. From the time he was a boy, at the beginning of his teens, he was struggling for his country, and on down until the very last hours of his life—but you are familiar with these facts.

Mr. Chairman, pardon a personal allusion. I have the profoundest love for the memory of Lafayette. I was in Paris a few years ago with my little son, and after many inquiries at the leading places, covering several days, we finally went into an old bookstore and were informed of the whereabouts of his grave. We immediately visited the spot. I shall not describe its unkempt appearance, but loving the memory of the man as I did and do, I was deeply humiliated at the appearance of the monument—a marble box, to be brief—over his grave.

I thought then and still think our Government should ask the honor of aiding in preserving this tomb in a more appropriate manner. Overcoming the most adverse circumstances, together my little son and myself finally succeeded in purchasing a very handsome bouquet of flowers, and we carried these flowers back to this tomb and placed them about it, leaving a little card, on which was inscribed only these words:

In the name of the people of the Hermitage district.

[Applause.]

Mr. WILLIAMS. Make the point of order on the word "Lafayette."

Mr. GAINES of Tennessee. But, Mr. Chairman, let us render to Lafayette the things that could be Lafayette's and unto Jackson the things that should be Jackson's. He is one of the four great Presidents. Jackson is the only American, the only man,

who ever drove the English army from American soil, and in that driving taught them, for all time, they could never come within the jurisdiction of this Republic with an armed force, and they have not.

His name is known to every citizen of the land. The fruits of his national work have never been fully gathered; they never will. Every good Democrat and every good Republican, in the course of his political life, and very often social, quotes from Andrew Jackson. He was a chivalric citizen, a great soldier, an unconquered general, one of the greatest Presidents the world ever saw, and a man who loved his wife as his own life, and his neighbor as himself. [Applause.] He stood for right and justice and cut from right to left into where right and justice dwelt and set both up—to stay. He did as much to make that flag that now adorns this Chamber as any man whoever put his foot upon American soil, and I submit that Jackson is entitled to have this park named for him. We owe it to ourselves and to our posterity to see that justice, though tardy, is done to that great hero in this particular and in others. [Applause.]

Mr. MANN. Mr. Chairman, I hope that the gentleman from Tennessee, if he does not intend to return to Congress, will move to Chicago, where we have the most beautiful park in the world, named "Jackson Park." [Applause.] You could throw a hundred Lafayette parks into it and never know they were there, either by reason of size or beauty, and it seems to me that the gentleman is making a mistake in endeavoring to name this little piece of ground up here, ill kept and unkempt, Jackson Park, when we have the magnificent park, known throughout the world, the site of the World's Fair at Chicago, as "Jackson Park." [Applause.]

Mr. WILLIAMS. Mr. Chairman, the words which we have just heard from the gentleman from Illinois [Mr. MANN] would impress us very much but for the fact that we recognize that Chicago is not the political capital of the United States, whatever else it may be. Jackson Park, in Washington, the political capital, was long since named for the old hero of the Volunteer State of Tennessee, and the name ought to be kept. I suggested to the gentleman from Tennessee a moment ago that he make the point of order upon the word "Lafayette," because it was contrary to what existing law there is in the shape of maps and plats of the city.

The House having debated the question, he is, perhaps, too late to do that. It may not be out of place now, Mr. Chairman, at this early morning hour, when everybody ought to feel patriotic, if I were to rise to give a brief history, biography, and eulogy of Andrew Jackson, of the State of Tennessee.

Mr. Chairman, there has been some doubt about where he was born. North Carolina and South Carolina have both contended for the honor of his birthplace. That great mooted question has never been settled. In the early history of the country there was a legend—a tradition—to the effect that Andrew had risen up one day when a callow youth and mere boy in the proud spirit of western North Carolina and eastern Tennessee and had refused to black a British officer's boots. I do not know whether that legend be based upon fact or not.

Mr. GAINES of Tennessee. He carried the scar to his grave that that coward put upon him.

Mr. WILLIAMS. I am informed by the gentleman from the Hermitage district that it is not only true, but that he carried a scar to his grave. Later on, at Horseshoe Bend and at various other places, Andrew Jackson showed himself a worthy successor of "Nollichucky Jack," who had aready written the name of Tennessee, the "Volunteer State," in the history of the world as one of the illustrious breeding places of heroes and brave men.

Still later, Andrew Jackson won the only great victory on land that blessed American arms in the war of 1812, when, commanding Kentuckians and Tennesseans and Mississippians, he beat back the British hosts under Packenham, although they had been veterans in fighting Soult and Napoleon and all the balance of the great marshals down in Spain and various parts of the world, whose names I have now for a moment forgotten.

I hope, Mr. Chairman, my time will be extended indefinitely so that I may give a history of the Jackson family as far as we know, ever since Jackson was born, including a slight sketch of his mother, some little description of the Hermitage, and my own opinion of the magnificent financial success of Andrew Jackson in dealing with the United States Bank. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent for five minutes more for the gentleman from Tennessee [Mr. BROWNLOW] in order to ask the gentleman from Tennessee [Mr. BROWNLOW] a few questions.

Mr. TAWNEY. I move that all debate on the paragraph and amendment thereto be now closed.

Mr. WILLIAMS. A parliamentary inquiry. Do I understand that I am forbidden to ask the gentleman from the Carter County (Tenn.) District [Mr. BROWNLOW] a few questions concerning Andrew Jackson? [Laughter.] Does the gentleman from Minnesota [Mr. TAWNEY] ask unanimous consent that all debate be now closed upon the pending paragraph?

Mr. TAWNEY. Mr. Chairman, I move that all debate be now closed upon the pending paragraph and amendment thereto.

Mr. BYRD. Mr. Chairman, I would like to ask unanimous consent for about five minutes on this question of Andrew Jackson.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota [Mr. TAWNEY]——

Mr. OLLIE M. JAMES. A parliamentary inquiry.

The CHAIRMAN (continuing). That all debate be now closed on the paragraph and amendments thereto.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. GARRETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 81, noes 62.

Mr. CLAYTON. Mr. Chairman, I demand tellers.

Tellers were ordered.

The gentleman from Minnesota [Mr. TAWNEY] and the gentleman from Alabama [Mr. CLAYTON] took their places as tellers.

The committee again divided; and the tellers reported—ayes 65, noes 38.

So the motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. GAINES].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. GAINES of Tennessee. Division, Mr. Chairman.

The committee divided, and there were—ayes 51, noes 68.

Mr. GAINES of Tennessee. Tellers, Mr. Chairman.

Tellers were ordered.

The gentleman from Tennessee [Mr. GAINES] and the gentleman from Minnesota [Mr. TAWNEY] took their places as tellers.

The committee again divided, and the tellers reported—ayes 42, noes 60.

So the amendment was rejected.

The Clerk read as follows:

Grant memorial: For continuing work for the erection of the memorial to Gen. Ulysses S. Grant, $42,000.

Mr. BYRD. Mr. Chairman, I only desire to add a few words to the magnificent tribute to Andrew Jackson by the gentleman who has just spoken. Long have I regarded him as one of the greatest of our Presidents, as well as one of the greatest men of modern times; and if we had a Jackson now in the White House, the country would not witness the humiliating subordination of the great American people at the feet of an oriental king. [Applause.] A leader of his courage would at once declare to the world that this Republic belongs to the American people, and that they intend to rule it as they please, notwithstanding the wrathful protests of China, Japan, or any other country. One declaration of this character, coming from a leader who "said what he meant and meant what he said," would ring around the world and give the Republic more character among nations than it has enjoyed in many years. [Applause.]

In my opinion, the most humiliating shame that ever overshadowed our fair name as a nation is the obsequious senility characterizing the diplomacy of the party in power in the pending Japanese crisis. By this abortive and cowardly method of solving this dangerous problem, not only is the sacred right of local self-government being sacrificed to appease the supposed wrath of the cross-eyed Mongolian, but the contemptuous scorn and ridicule of all nations are being invoked upon this once proud and patriotic Republic. [Applause.]

But we are told to forbear and deal gently with this increasing horde scourging the Pacific coast, because they do not understand the machinery of our dual system of government; but it is their business to know. Of this fact they must take judicial knowledge. It is not for us to teach international law to the despotisms of the earth; nor should it be our policy to muzzle the conscience of a sister State and force her to tremble in the presence of racial degeneracy. [Applause.]

This is the opportune time for the exemplification of the patriotic courage of the fathers of the Republic—for that lofty conception of true Americanism that rises above party spirit, or the entangling environments of sordid wealth. A bold, conservative, but vigorous, state paper, notifying the Mongolian

that his presence is not longer desired in this Republic, and demanding the immediate passage of a Japanese-exclusion law would inspire a patriotic thrill in every true American heart. Let this be done, instead of burning up the wires making apologies to a heathen king. [Applause.]

But, Mr. Chairman, it seems that the mantle of the Elijahs of old has fallen upon timid and strange prophets—that the Monroes, Blaines, and Clevelands have all passed away—and there is no one to maintain our international prestige. These great leaders, in the face of dangers far more appalling than those now beclouding our horizon, did not swerve as fawning pigmies at the feet of any monarch or combined monarchs. They were made of "sterner stuff" than those who now clasp the helm. Can it be that American statesmanship is deteriorating into mere commercial flunkyism, or that American patriotism has been paralyzed by the machinations of wealth? [Applause.]

In the dawn of our history—while we were still weak—President Monroe defied the allied monarchs of Europe, who were banded together under the oath-bound stipulation of the Holy Alliance to restore the emasculated throne of Ferdinand of Spain, and to return by force of arms the South American Republics that had been severed from the Spanish Crown by the sword of liberty. He boldly stated to these tyrants, whose hands were still red with the blood of outraged Poland and Hungary, that they could not molest these weak and defenseless republics, and that their presence on either of the western continents would be deemed by this Nation as a just cause for war. He said:

We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the colonies or the dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence and maintain it, and whose independence we have on great considerations and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States.

He further said:

It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can anyone believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference.

Later, President Monroe defied the Russian Empire to prevent European colonization in America, stating to Congress that—

The occasion has been deemed proper for asserting as a principle in which the rights and the interests of the United States are involved that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

A few years after this famous doctrine was announced, and while the European nations were still breathing threats against the American institutions, President John Quincy Adams, supported by the powerful statesmanship of Mr. Webster, forced through Congress a proposition to send commissioners to Panama to meet the representatives from the Republics of South America, for the avowed purpose of forming an alliance of all the American Republics to reinvigorate and revitalize the Monroe doctrine.

What a contrast between the bulldozing policy of the President in throttling the legislative will of Nevada and California and that pursued by Mr. Blaine in dealing with the controversy growing out of the Italian massacre at New Orleans. The former boldly announces in substance that the States have no rights that are not subservient to the will of the President, while the latter politely notified the Italian premier that the Federal Government disavowed the right to interfere in the local affairs of Louisiana, and would not assume responsibility for injuries occurring within a jurisdiction over which the Federal Government had no control.

Further, in this connection, Mr. Blaine, quoting Mr. Webster, said:

And these private individuals, * * * coming voluntarily to reside in the United States, have certainly no cause of complaint if they are protected by the same laws and the same administration of law as native-born citizens of this country.

This declaration embodies the limit of our duty to protect resident aliens; and let me ask my Republican friends, how does this language compare with the statement made on the floor of the House a few days ago by the brilliant gentleman from Alabama [Mr. HOBSON], that the Japanese aliens, under the direct instructions of a federal official, were granted in San Francisco immunities and privileges not accorded native-born citizens—that they were permitted to run "grog" shops without a license, which privilege is denied to all other dealers? Is there one who believes that such an innovation upon the rights of a State would have been attempted by any administration of the past, or that the arrogant audacity of these foreigners would have been tolerated for a moment?

But, more than this, it was left to Grover Cleveland, the Ajax of American statesmen, to "sweep the cycle" of courageous diplomacy, when he spoke the heart of the Nation and said to England, whose empire encircles the earth and whose navies float on every sea, that she could not dismember Venezuela. That famous message, giving new life to the Monroe doctrine, brought England to her knees and terrified the other nations of Europe. Let me here read his closing paragraph:

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.

I am nevertheless firm in my conviction that while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization, and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

This is the language of a great statesman whose mind was broad enough to compass the exigencies of the hour and strike a blow for the honor of the Nation. His thrilling words touched every chord of the American heart and rolled back the avalanche of ungenerous calumny that was fast sweeping him into innocuous oblivion. He abated the wrath of his enemies, encouraged the hopes of his friends, and taught the kingcraft of Europe that a giant ruled in the West. Yet by the sycophantic statesmanship of this administration we are advised that no other than a policy of subserviency will suffice in the present crisis. In reply to this contention, let me say that if asserting our rights while Japan is weak, with her credit exhausted, and when Russia is ready and anxious to renew the combat by which she lost her prestige in the Orient, will bring war, how can we hope to escape a conflict by waiting to act until Japan waxes strong, with an increasing navy completed and with the vast army of her treacherous subjects now here ready and anxious to wage war for their king? We should act, and act at once. Expel the little demons now here and forbid others to come.

As surely as night follows day there will be war if we much longer permit the coming of this army of scavengers. And when the conflict does come it will blacken the pages of our history with appalling cruelties. The members of our own race who labor for food and raiment for their families will never submit for their own blood to face starvation, forced upon them by these pauperized heathens. Search all history, and nowhere will you find the Caucasian bowing his head in supine submission at the feet of any other race. Deep down in the soul of every white man that walks the continent is the lasting conviction that no race save his own shall ever dominate this Republic.

Mr. Chairman, it is in evidence before this House that hordes of these people, fresh from the army that conquered Russia, are invading the Western States from Mexico and Canada; that many of them are of the most intelligent class of the Japanese soldiers, who are now spending their time in mapping the topography of that section. For what purpose is this being done? Is it not in perfect keeping with the treacherous conduct that has always characterized this insidious race? Also, we are informed that in the city of San Francisco alone there are 22,000 white laborers idle, while the oriental laborers have employment. [Loud applause.]

A city paper of February 7, reporting the speech made at a recent banquet by a Member from California [Mr. MCKINLAY], quoting his speech, says:

The speaker told of a valley where fruit could be matured earlier than anywhere else in the State. There the Japanese had driven out the white civilization, and American customs and American businesses were obliterated. This valley included a town large enough to support two banks.

"The question," he said, "is how long are the people of California to tolerate this?"

RIGHT TO RUN SCHOOLS.

Speaking of the constitutionality of the proposed school laws, he said: "I believe the State of California has the supreme right to regulate her schools, just as have the States of Louisiana and Mississippi."

Speaking of the action bringing on a war, he asked why a war scare between Japan and England was not started when Australia put a head tax of $500 on each Asiatic settler, or when Canada taxed each of them $50.

"It is because," he said, "England has been in the habit of enacting her own laws without consulting any other country."

The speaker said that war with Japan was an impossibility. Japan had only finished her first skirmish with Russia. She wanted Korea and Manchuria, but did not want the Philippines. Should Japan now go to war with even a much inferior power than the United States, Russia would again take up her march toward the Pacific that was begun by Peter the Great.

Unless we check this horde of Orientals, they will continue to come until the whole Mississippi Valley is infested with a

plague more appalling than that visited upon sinful Egypt. They will usurp the rights of our toiling millions to earn bread and, like parasites, will leech themselves to that fertile soil that should be transmitted as a heritage to the children of our blood yet to be born. This condition shoud never be; it can not be without seething our soil in blood.

Mr. Chairman, there is no surer guaranty of peace than prompt retaliation for every encroachment on our national honor. We have not existed thus long by the grace of monarchs, but in spite of them. Our institutions are hated by every despotism of the earth, and long since would have been destroyed but for our brave and determined resistance in every crisis. When this Republic, announcing the new birth of freedom to man, rose like a flaming meteor from the shores of the Western Continent, the tyrannical kings of earth first beheld it with envious rapture, and then with malicious hate. "Liberty anywhere is a menace to despotism everywhere."

The scepter of state will soon pass to another, and may his first act be to wipe away this blemish on the nation's honor, even though the worst should come, for "Rather let the pillars of the Republic shake to their foundations, and her lofty battlements be overwhelmed bearing with them the last hope of liberty on earth, than that she should falter in the terrible hour, or swerve from the bloodiest path she may be called to tread." [Loud applause.]

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

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "dollars," in line 20, page 135, insert:
"*Provided*, That no part of the money appropriated in this paragraph shall be available until the four bronze lions at the base of the monument are removed, and four cavalry horses with a soldier by his side, removing a cavalry saddle and putting on a plow harness, are placed in their stead."

Mr. MANN. I make the point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

Mr. CAMPBELL. I should like to be heard on the point of order.

The CHAIRMAN. Under ordinary circumstances, the Chair would be glad to hear the gentleman; but the point of order is so clear that the Chair does not need to hear any argument upon it.

Mr. CAMPBELL. It is a limitation upon the appropriation.

Mr. WILLIAMS. Mr. Chairman, in order to be able intelligently to discuss even the point of order, as the House was in such great disorder——

The CHAIRMAN. The point of order has been ruled upon.

Mr. WILLIAMS. But we desire to know—where does the amendment come in?

Mr. MANN. It does not come in at all. It is ruled out.

Mr. WILLIAMS. Mr. Chairman, in order that the House may know whether or not the amendment ought to go out, the House is entitled to know where it tried to come in. I make the point of order that the House is in such confusion that nobody knows where the Clerk is reading.

The CHAIRMAN. The Chair thinks the House is in very good order. The Clerk will read.

The Clerk read as follows:

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors; repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery; and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric plant in good order, $3,000: *Provided*, That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, except upon the written authority of the Secretary of War.

Mr. KEIFER. Mr. Chairman, I have a little amendment here——

Mr. BARTLETT of Georgia. I want to reserve a point of order against the proviso.

Mr. KEIFER. I have an amendment to this paragraph.

The CHAIRMAN. The gentleman from Georgia was on his feet, and he states that he desires to reserve a point of order against the proviso.

Mr. BARTLETT of Georgia. I want to reserve a point of order against the proviso and to inquire of the gentleman from Minnesota if that proviso is now existing law. I do not know that it is, and I do not think it is.

Mr. MANN. It is, except as to the written order.

Mr. TAWNEY. The proviso is not existing law.

Mr. BARTLETT of Georgia. I will say to the gentleman from Minnesota that I saw in the paper the other day a matter that struck me very forcibly, that sometimes permission had been given to certain people to sell articles down there for the benefit of the blind, and that they had been deprived of that privilege.

Mr. TAWNEY. Let me state to the gentleman from Georgia what the facts are. Prior to the passage of the current sundry civil appropriation act this was substantially the law; that is, so far as there was any law on the subject at all. The Superintendent of Public Buildings and Grounds, having control of the grounds, had authority to issue or not issue licenses, as he saw fit, and did issue a permit at one time to sell a guidebook. It seems that, for some reason or other, the pressure on the superintendent for the same privilege was very great, and at the last session of Congress he represented to the committee that he would like to have a prohibition carried in the sundry civil act that would prohibit the sale of any articles of merchandise or anything of that kind around the Washington Monument. That provision was carried in the sundry civil act, and was the law up to the passage of the urgent deficiency appropriation bill at this session, when that provision was modified so as to give the right to sell a guide of the Washington Monument.

There is only one guidebook that is published which gives all the information regarding the history of the Monument and the inscriptions on the stones on the interior of the Monument. Now, it transpires that in doing that we have deprived a certain institution for the blind here of some profits that it formerly received from the sale of postal cards there through a vending machine. That fact was never brought to the attention of the committee until this session.

Mr. BARTLETT of Georgia. The sole purpose of my inquiry is to reach that.

Mr. TAWNEY. And this is put in here for the purpose of giving the Superintendent of Public Buildings and Grounds authority to issue a permit or license.

Mr. BARTLETT of Georgia. The Secretary of War.

Mr. TAWNEY. This provides that the written authority shall be by the Secretary of War.

Mr. BARTLETT of Georgia. The thing I saw complained of was that Mr. Bingham, Superintendent of Public Buildings, revoked the license of the people who engaged in this laudable business of selling postal cards for the benefit of the blind. The gentleman says this provision is put in for the purpose of giving these people that opportunity. That is all I want to accomplish.

Mr. TAWNEY. This was put in on account of the appeal made by them and in their behalf.

Mr. BARTLETT of Georgia. Will this accomplish the purpose?

Mr. TAWNEY. It will.

Mr. BARTLETT of Georgia. Then I withdraw the point of order.

Mr. WILLIAMS. Mr. Chairman, I shall make the point of order to the words "except upon the written authority of the Secretary of War," lines 18 and 19. The point of order is that the words change existing law.

Mr. MANN. I submit that the point of order comes too late. The amendment has been discussed for five minutes.

Mr. WILLIAMS. I beg the pardon of the gentleman from Illinois; he is badly misinformed. The gentleman from Georgia had reserved the point of order, and therefore I could not make it until he withdrew it.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. I do not think the point of order can be taken in that form. The paragraph is subject to a point of order, but the gentleman can not make a point of order to that part of the paragraph.

Mr. MANN. Oh, yes, he can.

Mr. WILLIAMS. I did make it and the Chair has sustained it. If the Chair wants to change his opinion, I would like to be heard.

Mr. MANN. The point of order was to be reserved on the proviso.

Mr. FITZGERALD. It ought all to go out if anything goes out.

Mr. WILLIAMS. I do not want to make a point of order on all of it. If the Chair is not with me, I want to be heard on the point of order. If the Chair is with me, I do not want to be heard.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. WILLIAMS. The language which is new in the bill is this:

Except upon the written authority of the Secretary of War.

Heretofore advertisements of any kind could be displayed and articles of any kind could be sold in and around the Monument, including a guide to the Monument. It did not

require the written authority of the Secretary of War. We have already centralized power in the Executive of this Government far enough. This is a change of existing law, a change of existing law depositing with the Secretary of War, who is busy all the time with highly important duties, supervisory power over the character of advertisements in and about the Washington Monument.

It is highly difficult to suppose that the Secretary of War, who must take care of the Philippines and Hawaii, and at odd intervals of Cuba, and then all of the balance of the world, including the army and the criminal charges against the officers in it, could or should have time in which to acquaint himself with the character of advertisements down and about the Washington Monument. I am attempting partially to save the Secretary of War.

That is not all, Mr. Chairman; a very important question suggests itself here, to which I direct the attention of the House. If the very important advertisements of the President of the United States, published in the report of the President's Home Commission, and referred to the Committee on the District of Columbia and ordered to be printed with illustrations, pages 378, at bottom, and 379 of that document, should be displayed by presidential authority in the neighborhood of the Washington Monument, I humbly submit that they would be contrary to the preservation of the public health and of the public morals, because of the encouragement of race suicide by criminal methods advertised by the President in a way which could not have gone through the ordinary mails because of obscenity.

The point of order is that the words "except upon the written authority of the Secretary of War" constitute new legislation and a change in existing law.

Mr. FITZGERALD. Will the gentleman yield for a moment?

Mr. WILLIAMS. Yes.

Mr. FITZGERALD. I wish to call the attention of the gentleman to what the situation is. As the law exists to-day, the only thing that can be sold at the Washington Monument is a certain guidebook. It seems that there has been there in the Monument a machine——

Mr. WILLIAMS. Mr. Chairman, I understand that. I do not want to lose my time, and I will reply to the gentleman now because I have understood his question before he has finished it. I am as much opposed as he is to the monopoly of that guidebook.

Mr. FITZGERALD. Mr. Chairman, I doubt if the gentleman does know what I have in mind.

Mr. WILLIAMS. But if the language I still leave in the bill were retained in the bill that monopoly would be gotten rid of, and that language would be:

Provided, Hereafter no articles shall be displayed or no articles of any kind shall be sold in or around the Monument.

The CHAIRMAN. The Chair will hear the gentleman from Illinois. The Chair does not care to hear further argument on the side of the question advocated by the gentleman from Mississippi [Mr. WILLIAMS].

Mr. MANN. Mr. Chairman, the proviso is one proposition. Now, it is quite true that ordinarily you can make a point of order on the whole paragraph subject to a point of order, or you can make a point of order on a part of a paragraph subject to a point of order, and we have an illustration here, it seems to me, of what can be done and what can not be done in that respect. The proviso is subject to a point of order. It reads:

That hereafter no advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Monument, etc.

I take it that no one would claim that you could make a point of order on the word "no" and stop there, so that you would strike out the word "no" and make the paragraph read:

That hereafter advertisements of any kind shall be displayed, etc.

So that the question is whether you can strike out on a point of order a word or a specific clause in an entire paragraph subject to a point of order which, when stricken out, entirely changes the meaning of the paragraph.

If you could not strike out the word "no" on a point of order, then you can not strike out the exception on the point of order. The entire paragraph, being subject to a point of order, could go out, and a separate clause not related to the rest of the paragraph could go out, but this clause is not separate. It depends entirely on the paragraph, and if it should be ruled that you can strike out "except upon the written authorization of the Secretary of War," then it seems to me the point of order might have been held upon the two words "no" that appear in the proviso, and with them stricken out make the paragraph read directly contrary to what is intended. It may be said that you can correct that by amendment. Very well; then it follows that if you strike out this exception under the same conditions it could immediately be offered as a germane amendment, and, query, Can you strike out on a point of order a proposition which is immediately in order if offered identically in the same language as an amendment? It seems to me that would be the reduction of parliamentary refinement to almost an absurdity.

The CHAIRMAN. The Chair is informed that there has been a precedent covering this and is waiting in hopes that it might be found. Except for that, the Chair is ready to rule. The Chair would ask that this may go over until the precedent, if there be one, may be found.

Mr. TAWNEY. I ask unanimous consent that the paragraph may be passed without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks that the paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Improvements, Wakefield, Va.: For repairs to fences and cleaning up and maintaining grounds about the monument, $100.

Mr. WILLIAMS. Mr. Chairman, I desire to ask the gentleman in charge of the bill to explain this item.

Mr. TAWNEY. Mr. Chairman, I will explain that to the gentleman from Mississippi. If he was as familiar with the birthplace of George Washington as he is with the birthplace of Andrew Jackson, he would not ask for an explanation. This is for repairs to the fences around the monument.

Mr. WILLIAMS. Then, Mr. Chairman, I understand that this Republican Congress——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word. I do so for the purpose of saying that I understand that this Republican party, a few days after the 22d of February, the birthday of George Washington, the Father of his Country, the great hero of the Revolutionary war, is devoting the magnificent sum of just exactly $100 per annum for repairs to the fences and cleaning up and maintaining the grounds about the monument erected to George Washington at his birthplace.

For four or five years the Republican party refused to read George Washington's Farewell Address on the 22d of February. The other day it read it in order to rebuke its own administration.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

Mr. WILLIAMS. Why, I am in order; I am talking to the point. Here is an appropriation for repairs at George Washington's birthplace, and I am talking about George Washington, his importance to the country, his significance to the world, all of which is absolutely related to the amount of money that ought to be appropriated to preserve properly his birthplace.

The CHAIRMAN. The gentleman will proceed in order; the Chair thinks he is not speaking to the amendment.

Mr. WILLIAMS. I am not speaking to what?

The CHAIRMAN. To the gentleman's amendment.

Mr. WILLIAMS. I am speaking to the paragraph to which my amendment was offered, and nobody can understand the amendment without first understanding the paragraph, and the paragraph relates to Wakefield, Va., the birthplace of George Washington.

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

Mr. WILLIAMS. Mr. Chairman, I suppose it would be hardly necessary for me to ask for five minutes more in order to explain why Wakefield occupies a peculiar position and ought to have more than $100.

Mr. WATSON. Mr. Chairman, I object.

Mr. RANSDELL of Louisiana. Mr. Chairman, I wish to submit some general remarks on the subject of rivers and harbors, and not desiring to inflict them upon the House at this late hour, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Chairman, I will be very glad indeed to hear the gentleman from Louisiana speak, but I am forced to object to extending remarks in the RECORD at this early hour, when we have just begun the next day.

The Clerk read as follows:

Improving Ohio River below Pittsburg, Pa.: For continuing improvement in completion of contract authorization by the construction of Dams Nos. 13 and 18, $40,000.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, in order to ask a question of the chairman of the

committee. Will the chairman of the committee please explain what Dams 13 and 18 are, when they were authorized, and how much money has been invested in them?

Mr. TAWNEY. They are two dams authorized on the Ohio River.

Mr. WILLIAMS. When were they authorized?

Mr. TAWNEY. I do not know.

Mr. MANN. They were authorized in 1899.

Mr. TAWNEY. The amount is the amount estimated by the War Department to be expended for the next fiscal year.

Mr. WILLIAMS. Mr. Chairman, with that explanation I am perfectly satisfied.

The Clerk read as follows:

For works authorized by the river and harbor act of 1902, as follows:

Mr. BOOHER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BOOHER. For the purpose of asking a question of the chairman of the committee. I move to strike out the last word. I want to ask the chairman of the committee how large a river or stream is the Arthur Kill?

Mr. TAWNEY. I do not know.

Mr. BOOHER. I never heard of it before, but I have read——

Mr. TAWNEY. The gentleman from New York can probably answer that question.

Mr. BOOHER. I have read the bill with a great deal of interest, and I have failed to find an appropriation of a single dollar in this whole bill for the improvement of the longest river in the world and the greatest river in the world.

Mr. TAWNEY. That is not the fault of the Committee on Appropriations, I would say.

Mr. BOOHER. I am afraid it is.

Mr. TAWNEY. There has been no authorization.

Mr. BOOHER. I can not help that. There is not an appropriation of a single dollar for the improvement of the Missouri River from its mouth to its source. You know it rises way up in the mountains and empties into the Gulf of Mexico.

Mr. RODENBERG. Empties into the Mississippi.

Mr. BOOHER. No; it does not; the gentleman is mistaken. People generally think the Missouri empties into the Mississippi, but the Mississippi empties into the Missouri. If you are acquainted with the Missouri River at all, you will know that from the time it strikes the Mississippi River at St. Charles it entirely changes its course and is almost too thick to run.

Mr. GARRETT. Where is the Missouri? [Laughter and applause.]

Mr. BOOHER. I want to say to the gentleman that I can not locate the Missouri River from the bill or by a bill introduced in this House that came from the River and Harbor Committee. It is absolutely impossible to find it.

Now, Mr. Chairman, I am asking this question in perfectly good faith. I have searched this bill through and through and find no provision for the protection of the people living along the Missouri River or for the protection of the harbors along that river, and there is not a single dollar for a single place along the river, yet you may find every little stream that you can jump across in the North and East provided for in this bill. [Applause.]

Mr. CALE. Will the gentleman permit an interruption?

Mr. BOOHER. Yes, sir.

Mr. CALE. I would like to say to the gentleman that while he is talking about the longest river, there is not a dollar in this appropriation for the longest navigable stream there is in North America.

Mr. BOOHER. That is the gentleman's misfortune, just as it is mine.

Mr. CALE. And that river discharges more water than the Mississippi.

Mr. WILLIAMS. Mr. Chairman, we have not yet received any information about Arthur Kill. Somebody from New York ought to know something about Arthur Kill, and ought to satisfy the curiosity of the gentleman from Missouri [Mr. BOOHER].

Mr. BURTON of Ohio. Seriously, I would state that the Arthur Kill and the Kill van Kull are connecting channels between New York Harbor and Raritan Bay. They are located between Staten Island and the State of New Jersey. There is an enormous traffic on the two, perhaps twenty-five times as great as on the Missouri River, and the total amount appropriated for it has been about one-tenth as much.

Mr. BOOHER. That does not prove anything, because the money that has been spent upon it has kept it in shape. Probably you have expended a hundred times as much on that river as on any western river.

The Clerk read as follows:

Improving Hay Lake and Neebish channels, St. Marys River, Michigan: For continuing improvement in completion of contract authorization, $395,000.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. For the purpose of getting information, I move to strike out the last word. I would like to ask the gentleman from Minnesota [Mr. TAWNEY], in charge of the bill, or the gentleman from Iowa [Mr. SMITH], to give me some specific information about the Neebish channels, referred to on page 138, line 14, of the bill.

Mr. TAWNEY. What information does the gentleman desire?

Mr. WILLIAMS. I want the gentleman to give me any information upon Neebish Channel.

Mr. MANN. That is a channel constructed by the Government, running out of Lake Superior, which is just finished, the channel through which all of the commerce from Duluth, and so forth, on Lake Superior comes east. It is a long way from Duluth. It is on this end of Lake Superior.

Mr. WILLIAMS. The explanation is entirely satisfactory, Mr. Chairman. [Laughter.]

The Clerk read as follows:

Improving Black Warrior, Warrior, and Tombigbee rivers, Alabama: For continuing improvement by the construction of locks and dams, $1,000,000.

Mr. CLAYTON. Mr. Chairman, I move to add, after the words "one million dollars," in line 6, page 140, the following words:

For continuing the improvement of the Choctawhatchee River in Alabama and Florida, $25,000.

Mr. BURTON of Ohio. Mr. Chairman, I make a point of order on that. The authorization has not been made.

Mr. CLAYTON. That is a worthy project down there.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 6, insert:
"Continuing the improvement on the Choctawhatchee River, Alabama and Florida, $25,000."

The CHAIRMAN. On that the gentleman from Ohio [Mr. BURTON] makes what point of order?

Mr. BURTON of Ohio. I take it that there is no necessity for discussing that. These amounts are merely in pursuance of authorizations made in the river and harbor act. This is an entirely independent, outside item.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Improving Mississippi River from mouth of Ohio River to Minneapolis, Minn.: For continuing improvement of Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River, $250,000.

Mr. RUSSELL of Missouri. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding on page 143, after the word "dollars," in line 14, the following:
"For the improvement of the Mississippi River at Birds Point, Missouri, for protection from caving banks, $50,000."

Mr. BURTON of Ohio. Mr. Chairman, I raise the same point of order on that as on the other. It is plainly objectionable, and on the same grounds.

The Clerk read as follows:

For continuing construction of Lock and Dam No. 8, $364,000.

Mr. OLLIE M. JAMES. I move to strike out the last word for the purpose of getting some information. I would like to know if the gentleman in charge of the bill can inform me what is provided in this bill, if anything, relative to the 9-foot channel from Pittsburg to the mouth of the Ohio River?

Mr. TAWNEY. Nothing.

Mr. OLLIE M. JAMES. No provision at all?

Mr. TAWNEY. There is no provision carried in this bill for the object referred to by the gentleman from Kentucky.

The Clerk read as follows:

Improving St. Marys River, Michigan: For continuing improvement at the falls by the construction of a new lock, with a separate canal, $425,000.

Mr. BEDE. Mr. Chairman, I desire to offer an amendment, on page 146, after line 6.

The Clerk read as follows:

Page 146, between lines 6 and 7:
"Duluth-Superior Harbor: Continuing the work of dredging inside the Duluth entrance, commenced under authority of the act approved May 28, 1908, the sum of $150,000."

Mr. BURTON of Ohio. Mr. Chairman, I make the point of order on that.

Mr. BEDE. I would like a ruling on that point. I would like to make a statement. On the adoption of the bill approved May 28, 1908, an appropriation of $200,000 was made for this improvement, in accordance with the report of the engineers previously made. That plan was adopted. Now, the gentleman from Ohio, who is objecting, is really in favor of this amendment, I think, although he will, because of being on the Rivers and Harbors Committee, speak against it. We would have had a general river and harbor bill if the gentleman from Ohio had not been trying to raise the standard of the United States Senate. [Laughter.]

He had many duties to perform, so that we could not get together early enough to frame up a general river and harbor bill for this short session. Therefore this item is not included. When the representative of the dredgers came to see us a year ago he was promised that this work would be attended to this winter. Every man within the sound of my voice went on the platform last fall and told the laboring men that they would have a square deal.

The CHAIRMAN. The Chair is quite ready to rule.

Mr. BEDE. I am not quite ready, if I have five minutes.

The CHAIRMAN. The gentleman can talk upon the point of order.

Mr. BEDE. We have in the act of Congress approved May 28, 1908—section 4 of that little pony bill provides:

SEC. 4. That the Secretary of War may, in his discretion, apply the whole or any part of the unexpended balance of the amount heretofore appropriated for the improvement of the Duluth-Superior Harbor, Minnesota, to dredging inside the Duluth entrance thereto, as recommended in House Document No. 221, Sixtieth Congress, first session.

That bill, I think, adopts this plan, and therefore this amendment can properly come in under the sundry civil bill.

The CHAIRMAN. The Chair will ask if the work is under contract?

Mr. BEDE. Not the whole project, but about $200,000 was appropriated for this improvement, and we want to continue it. There was an estimate of $550,000 for dredging Duluth Harbor. That work is now in progress. The present contract will expire on the 1st of July. The whole plan was adopted by the act of last Congress.

The CHAIRMAN. The Chair would like to hear from the gentleman from Ohio as to the point of order.

Mr. BURTON of Ohio. I was surprised to hear the gentleman's remarks. This project is the same as hundreds of others for which there is no contract. I think the gentleman has got a little outside of his sphere. I feel like quoting Hamlet slightly altered:

Let your humorist say no more than he is set down for.

[Laughter.]

Mr. BEDE. Mr. Chairman, the gentleman from Ohio himself promised, when the men who represented the dredging interest appeared before our committee a year ago, that this winter this work should be done. That has nothing to do with the point of order, but it has a little to do with the point of honor. We should have had a general river and harbor act and kept faith with the American people, but as two or three members of our committee had to run for the United States Senate, the committee did not have time.

Mr. MANN. Was the gentleman one of them?

Mr. BEDE. Not at all.

You stood by the action of the committee. I know that the gentleman from Ohio [Mr. BURTON] himself would be glad to have this item go in. He can not concede it, but he would like to have it go in; and I assure you that the times are harder for the laboring men of the United States than they were a year ago. We have oftentimes said that the Republican party was the only party that could have a panic and prosperity at the same time; but it is getting to be a little hard all around.

The CHAIRMAN. The Chair is ready to rule.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I happened to be in the cloakroom at the time when this amendment was offered. Everything of interest to the gentleman from Minnesota [Mr. BEDE] is a question of vital interest to me. I would like to ask the gentleman to indicate to me the subject of his amendment—the character of it.

The CHAIRMAN. The Chair is ready to rule. The Chair finds, from the statement of the gentleman from Minnesota [Mr. BEDE], that this work is not under contract.

Mr. BEDE. Not wholly under contract; it is, partly.

The CHAIRMAN. The work for which this appropriation is asked is not under contract.

Mr. BEDE. No.

The CHAIRMAN. The Chair thinks, therefore, that this amendment is not in order upon the sundry civil appropriation bill, although it would be in order, of course, on a river and harbor bill.

The Chair will state that this point has been squarely ruled upon in the Fifty-second Congress.

Mr. BEDE. I hope the gentleman from Ohio will withdraw his objection and let the thing go through.

The CHAIRMAN. The Clerk will read.

Mr. CLAYTON. I move that the committee do now rise.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise.

Mr. CLAYTON. It is now a quarter after 1 o'clock in the morning.

The question being taken on the motion of Mr. CLAYTON, on a division (demanded by Mr. CLAYTON) there were—ayes 44, noes 60.

Mr. CLAYTON. Tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. TAWNEY and Mr. CLAYTON.

The committee again divided; and the tellers reported—ayes 27, noes 61.

Accordingly the motion was rejected.

The Clerk read as follows:

Headstones for graves of soldiers: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the acts of March 3, 1873, and February 3, 1879, also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906, $75,000, to be immediately available.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry. Where is the Clerk reading?

The CHAIRMAN. On page 148, and he stopped at line 15 on that page.

Mr. WILLIAMS. I thank the Chair for the information he has so courteously extended.

The Clerk read as follows:

Bringing home the remains of officers and soldiers who die abroad: To enable the Secretary of War, in his discretion, to cause to be transported to their homes, or to such national cemeteries as may be designated by proper authorities, the remains of officers and enlisted men of the army who die in line of duty, including civilian employees of the army in the employ of the War Department who die abroad (inclusive of Alaska) and officers or enlisted men or civilian employees of the army who die on army transports, $50,000.

Mr. WILLIAMS. I move to strike out the paragraph that has just been read.

Soon after the war between the States the matter was brought to the attention of Robert E. Lee, a Southerner, and one of the greatest Americans who ever lived, that a great many southern soldiers were buried upon the battlefield of Gettysburg, and the question was being agitated as to their being brought home to be buried there. Robert E. Lee replied that he knew of no better resting place for a soldier than the place where he had lost his life in behalf of his State or his country. I know of no better resting place for a soldier. I think there is a lot of Chinese superstition and maudlin sentimentality about this business. When a man dies, he is dead. If he dies as a sailor, the best place to put him is in the ocean, where he died fighting the enemy.

If he dies on land as a soldier, the best place to put him is where he dies, and let the battlefield be his monument. I have been making a good many motions to-night that were intended, I will say really and frankly, to take up time, but this particular motion is not intended for that purpose. I do think it is about time that the most enlightened nation in the world should overcome this superstition as to where it should bury the dead after the soul has departed from it and after the spirit that enlivens the body has done its best in order to illustrate his country's record and to distinguish himself as a servant of the country.

I have a boy of my own in the United States Army, and he was not appointed as a cadet by me, either. I would consider it no disgrace, if he died on Chinese or Japanese soil, to have him buried there.

Mr. TAWNEY. I do not think the gentleman understands this paragraph. If his son was in the army and in a time of peace he died in the Philippine Islands, this would enable the Government to bring his body home.

Mr. WILLIAMS. I remember one of the most pathetic things in my recollection as a Member of Congress during the Spanish-American war. Down in my district there was a brave and true man who had been a colonel in the Eighteenth Mississippi Regiment in the war between the States. He had a son, who volunteered, and served in Cuba in the United States Army.

He was killed there. Some time after this man received a letter from a Washington undertaker, saying that he would send his son's body home for so much. The man sent me a check for $250 to pay the expense. I wrote to him that Congress had passed a law providing for bringing home the remains of the United States soldiers killed on the field of battle or who died in the service, and that I thought that this Washington undertaker was attempting to cheat him. I went down to the War Department and found that that was so. I reindorsed his check to him and sent it home, and his son's body came in due time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask for five minutes more.

Mr. TAWNEY. I shall have to object.

Mr. WILLIAMS. I move to strike out the last word.

The CHAIRMAN. The gentleman has an amendment pending.

Mr. WILLIAMS. I move to amend the motion which I have already made by striking out the last word of the amendment.

The CHAIRMAN. The gentleman can not take the floor to amend his own amendment in that way.

Mr. WILLIAMS. I will withdraw my amendment.

Mr. OLLIE M. JAMES. I move to strike out the last word.

Mr. MANN. The gentleman from Mississippi has a motion to strike out the paragraph.

The CHAIRMAN. The gentleman from Kentucky is in order.

Mr. OLLIE M. JAMES. I would like to hear the gentleman from Mississippi along the lines that he has been speaking.

The CHAIRMAN. The gentleman from Kentucky can not yield time to the gentleman from Mississippi in that way.

Mr. WILLIAMS. Now, Mr. Chairman, having withdrawn my amendment in order to get more time I will renew it for the consideration of the House.

The CHAIRMAN. The gentleman from Mississippi moves to amend by striking out the paragraph.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were 17 ayes and 76 noes.

Mr. WILLIAMS. I make the point that there is no quorum.

The CHAIRMAN. The gentleman from Mississippi makes the point of no quorum. The Chair will count.

Mr. MANN. While the Chair is counting I want to say to the gentleman from Mississippi that if his point of no quorum is sustained it will prevent the adoption of the paragraph for taking care of the confederate mounds in Chicago, one of the precious things to my heart.

Mr. WILLIAMS. The gentleman is mistaken; this bill is going to pass. That point is not worthy of the gentleman from Illinois.

Mr. MANN. That would be the effect of the gentleman's proposition.

The CHAIRMAN. One hundred and one gentlemen; a quorum. The Clerk will read.

The Clerk proceeded to read.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I ask for tellers.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the request for tellers comes too late.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman made the request as soon as he could.

Mr. OLLIE M. JAMES. And as loudly as he could. If there is a quorum present, let us proceed; and if not, let us find it out.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman from Mississippi had a right to make his speech. Let us not be discourteous.

Mr. MANN. Oh, we could not be discourteous to the gentleman from Mississippi or to the gentleman from Tennessee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Camp Butler National Cemetery, near Riverton, Ill.: For the construction of a lodge for use of the superintendent of the Camp Butler National Cemetery, near Riverton, Ill., $7,000.

Mr. GAINES of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi be allowed to finish his speech.

Mr. WILLIAMS. Mr. Chairman, even if that request were granted, I should refuse to make a speech. I ask the gentleman from Tennessee to withdraw his request. I merely wanted to proceed in order, under my rights, and not by the favor of the House.

Mr. GAINES of Tennessee. I will withdraw the request.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Chalmette National Cemetery, Louisiana: The Secretary of War is hereby authorized to accept a conveyance of the lands and servitudes described in articles of agreement entered into the 31st day of July, 1905, between J. B. Bellinger, major and quartermaster, United States Army, acting for and on behalf of the United States of America, of the first part, and the New Orleans Terminal Company, a corporation existing under the laws of the State of Louisiana, of the second part, for the enlargement of the Chalmette National Cemetery, and in consideration thereof to permit the closing of the roadway to said cemetery, known as the "River road," which was constructed and maintained by the United States, upon the terms and conditions specified in said articles of agreement.

Mr. GAINES of Tennessee. Mr. Chairman, I think since the Chair counted the quorum three or four Members have gone out of the Chamber.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Military posts: For the construction and enlargement at military posts of such buildings as, in the judgment of the Secretary of War, may be necessary, $800,000, including the installation therein of plumbing, and of heating and lighting apparatus; but no part of this sum shall be used for the purchase of land, for construction of buildings at coast artillery posts, nor for the establishment of any military prison: *Provided*, That no money appropriated for military posts shall be expended for the construction of quarters for officers of the army, or for barracks and quarters for the artillery, the total cost of which, including the heating and plumbing apparatus, wiring and fixtures shall exceed in the case of quarters of a general officer, the sum of $15,000, of a colonel or an officer above the rank of captain, $12,000, and of an officer of and below the rank of captain, $9,000.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I would like to ask the gentleman to explain the origin, the necessity, and the nature of this proviso.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from Mississippi that this proviso means exactly what it says, that no money appropriated for military posts shall be expended for the construction of quarters for officers of the army, or for barracks and quarters for the artillery, the total cost of which, including several things, shall exceed the sum of $15,000, and so forth.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the chairman of the committee a question.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from South Carolina?

Mr. WILLIAMS. I yield, if the gentleman will not take up all of my time.

Mr. JOHNSON of South Carolina. Mr. Chairman, in the subsequent paragraph I notice that the bill limits the cost of these officers' quarters to the amounts named in some previous act of Congress. What I wish to know is, Is the amount named in that previous act of Congress in excess of or less than the amount named in the preceding paragraph?

Mr. TAWNEY. It is the same amount.

Mr. WILLIAMS. Now, Mr. Chairman, I believe my time has not quite expired——

Mr. SABATH. Mr. Chairman——

Mr. WILLIAMS. Mr. Chairman, I can not yield to another colloquy.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The gentleman from Illinois has the floor.

Mr. WILLIAMS. Then I move to amend my previous motion by striking out the last two words, in order that I may have an answer to my question.

The CHAIRMAN. That is not in order except by unanimous consent. The gentleman from Illinois is recognized.

Mr. SABATH. Mr. Chairman, I move to strike out the proviso, for the purpose of inquiring of the gentleman who has charge of this bill what this appropriation is for. I see this provides for an appropriation of $800,000 for the erection of some new buildings. Now, it has been stated during the session this evening by different gentlemen here that we are willing to vote for any and all appropriations. I am not, and I believe in a large item like this we should commence to investigate whether it is absolutely necessary to expend at this time nearly $1,000,000. This appropriation calls for $800,000. Now, what is it for?

Mr. JOHNSON of South Carolina. To build houses for officers of the army.

Mr. SABATH. I am sincere in this inquiry.

Mr. TAWNEY. Let the gentleman read the paragraph and it will tell him what the appropriation is for, or let him listen to the Clerk when he is reading it.

Mr. SABATH. Are these buildings really necessary?

Mr. TAWNEY. They would not be appropriated for if they were not.

Mr. FITZGERALD. Mr. Chairman, I will state to the gentleman from Illinois that these are buildings necessary in various military posts throughout the United States.

Mr. OLLIE M. JAMES. Some explanation ought to be made.

Mr. FITZGERALD. I am endeavoring to make an explanation.

Mr. SABATH. Where are these buildings to be erected—in what part of the United States?

Mr. FITZGERALD. I have not the list right at hand, but it is in a great many of the barracks in the United States. Is there any place in Chicago where we could put one?

Mr. SABATH. No; we are not asking for any at the present time.

Mr. FITZGERALD. If you do, I hope the gentleman's colleague will come to his assistance and help him to get it if he wants it.

Mr. SHERLEY. If the gentleman really is desirous to know where these various barracks are to be erected, he will find a detailed statement in the hearings. It would take too much time now to read them, but I will hand the gentleman a list of them all if he desires it.

The Clerk read as follows:

For completing the reconstruction, on land owned by the United States, of the military prison in San Francisco Harbor, $100,000. The sum hereby appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WILLIAMS. I wish the Chairman would instruct the Clerk when a gentleman arises and respectfully addresses the Chair that the Clerk should stop the reading. I move to strike out the last word for the purpose of asking the gentleman from Minnesota, in charge of the bill, a question.

Mr. TAWNEY. Let me suggest to the gentleman that there would be less occasion to criticise the Clerk if the gentleman would wait until the Clerk concluded the reading of the paragraph before addressing the Chair.

Mr. WILLIAMS. "The gentleman" did wait until the Clerk concluded the reading of the paragraph——

Mr. TAWNEY. I beg the gentleman's pardon.

Mr. WILLIAMS (continuing). And had started off with the next, and he paid no sort of attention to the voice of the "gentleman from Mississippi," which is not a sweet one.

Mr. MANN. Not sweet to us at this time.

Mr. WILLIAMS. Now, I would like to ask the gentleman from Minnesota a few questions about lines 23, 24, and 25 on page 152, and lines 1 and 2 on page 153. Does this appropriation of $100,000 for completing the reconstruction on land owned by the United States of the military prison at San Francisco Harbor exceed the original appropriation made for that purpose?

Mr. TAWNEY. No; it does not.

Mr. WILLIAMS. I note here a proviso that the sum shall be expended so as to give the maximum amount of employment to the inmates of said institution. Will the gentleman explain to me whether or not this is intended to put convict labor in the utmost possible manner in competition with free labor?

Mr. TAWNEY. It is intended to use the labor within the prison to construct the prison just as we are doing at Atlanta, Ga., and Leavenworth, Kans.

Mr. WILLIAMS. Mr. Chairman, the explanation is entirely satisfactory.

The Clerk read as follows:

Johansen mill site, south of Mission Creek, Alaska: For the purchase from Carl M. Johansen all his right, title, and interest in and to a certain tract of land and the buildings thereon, consisting of eighteen and three hundred and four one-thousandths acres, more or less, and known as Johansen's mill site, covered by amended survey No. 350, and situated at the mouth of Mission Creek, on the left bank of the Yukon River, in the district of Alaska, lying within the limits of the military reservation of Fort Egbert, Alaska, $2,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to make the point of order against that paragraph.

Mr. OLLIE M. JAMES. Mr. Chairman, I hope the gentleman will reserve it until we get some information. [Cries of "Rule!"]

The CHAIRMAN. Unless the gentleman from Minnesota or some gentleman in charge of the bill says there is authority for the purchase, the Chair will be compelled to sustain the point of order.

Mr. TAWNEY. I do not think there is——

Mr. OLLIE M. JAMES. Mr. Chairman, I hope the gentleman from South Carolina will reserve the point of order until we hear from the Delegate from Alaska.

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

Mr. CALE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The whole paragraph has been stricken out.

Mr. CALE. I move to strike out the paragraph.

The CHAIRMAN. That is already done.

Mr. CALE. I beg pardon.

The Clerk read as follows:

Water supply, Presidio of San Francisco: For the purchase of land and acquirement of water rights on Lobos Creek, California, to protect the water supply of the Presidio of San Francisco and to provide an independent water supply for military purposes in San Francisco Harbor, California, $100,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I reserve the point of order upon this paragraph.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. OLLIE M. JAMES. I will reserve the point of order for the purpose of hearing an explanation.

The CHAIRMAN. Unless the gentleman from Minnesota or some member of the committee can show the authority for this paragraph, the Chair will be compelled to sustain the point of order.

Mr. FITZGERALD. Suppose this is on land adjoining the present reservation; what will the Chair say?

Mr. TAWNEY. The appropriation here is for the purchase of land and the acquirement of water rights on Lobos Creek, California to protect the water supply of Presidio of San Francisco and to provide an independent water supply for military purposes in San Francisco Harbor.

This is represented to the committee as being absolutely essential to the health and sanitary condition of that post. It is a part of the military establishment and is just as essential to the maintenance of the military establishment as an artesian well or any other expenditure pertaining to the sanitary conditions or to the health of those who are stationed at that post.

Mr. MANN. There is no auhority of law for this, Mr. Chairman.

Mr. TAWNEY. The present water supply is part of it from running water and part of it from artesian wells.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, this land adjoins the reservation. [Cries of "Regular order!"]

With the exception that there is a stream which runs between this place and the government reservation, I think this adjoins it. It is a creek. The Government owns one side. This is to purchase the adjoining land on the other side.

The CHAIRMAN. The Chair would suggest that the paragraph contains a further provision for an independent water supply for military purposes in San Francisco Harbor. It seems that, as the point of order is made, it will have to be sustained.

Mr. FITZGERALD. The Presidio is in San Francisco Harbor. Either the Chair's geography or mine is wrong, and I think the Chair is wrong.

The Clerk read as follows:

Target range, Sparta, Wis.: The unexpended balance of the appropriation of $150,000, for the purchase of 7,600 acres of land, more or less, near Sparta, Monroe County, Wis., as a site for a target range, under the provisions of the sundry civil act, approved May 27, 1908, be, and is hereby, made available for the purchase of such additional land contiguous to the land already purchased as in the opinion of the Secretary of War may be necessary.

Mr. TAWNEY. Mr. Chairman, I desire to offer an amendment.

Mr. BEALL of Texas. I desire to reserve a point of order on that paragraph.

Mr. OLLIE M. JAMES. I reserve the point of order to that section.

The CHAIRMAN. The gentleman from Texas [Mr. BEALL] has already reserved the point of order.

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

Mr. TAWNEY. This amendment is to reduce the amount of land which we have heretofore authorized to be purchased for the rifle range at Chickamauga.

The CHAIRMAN. Unless there can be shown authority for the purchase of the land, the Chair will have to sustain the point of order.

Mr. TAWNEY. Mr. Chairman, the purchase of the land was authorized two years ago. This is for the purpose of diverting the appropriation for the purchase of so much of the additional land as was included in the original authorization.

Mr. ESCH. I call the chairman's attention to the provision in the sundry civil act——

The CHAIRMAN. The Chair on turning the page finds provision for additional land contiguous to the land already purchased, and it seems from the statement of the chairman of the Committee on Appropriations that the purchase was authorized by an act heretofore passed. That being the case, this would seem to be a continuation of public work in progress, and therefore in order. The Chair overrules the point.

The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The Clerk read as follows:

On page 154, after line 3, insert:

"The appropriation of $16,500 made in the sundry civil appropriation act for the fiscal year 1909 for the purchase of 924 acres of land adjoining Catoosa tract and target range at Fort Oglethorp, Ga., is hereby made available for the purchase of 724 acres of said land."

Mr. MANN. Mr. Chairman, I reserve a point of order.

Mr. WILLIAMS. Reserving the point of order, I desire to make a parliamentary inquiry. I would like to ask the Chair whether I am correct or not in the opinion that a few minutes ago the Chair ruled that a provision in a previous sundry civil bill was an authorization of law for a project?

Mr. TAWNEY. Under the existing law.

Mr. MANN. Mr. Chairman, this paragraph is subject——

Mr. WILLIAMS. I beg the gentleman's pardon, but I have the floor.

Mr. MANN. I made the point of order, and I have the floor.

Mr. WILLIAMS. I made the point of order.

Mr. MANN. I beg the gentleman's pardon; I made the point of order. Now, Mr. Chairman, if this matter can be agreed to without further consideration, I am willing to withdraw the point of order.

Mr. WILLIAMS. I make the point of order for the entire business.

Mr. FITZGERALD. The Chair is now considering the point of order made by the gentleman from Illinois [Mr. MANN], upon which he will rule presently.

Mr. MANN. Upon the amendment that comes in subsequent to the paragraph the gentleman is talking about.

Mr. WILLIAMS. Prior to that, I made a parliamentary inquiry for the purpose of securing a ruling by the Chair.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

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

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

The Clerk read as follows:

Military camp, Pine Plains, N. Y.: For the purchase of about 11,000 acres of land known as "Pine Plains, N. Y.," for use as a permanent military camp of instruction and concentration, $75,000.

Mr. MACON. Mr. Chairman, I make the point of order on that paragraph.

Mr. KNAPP. I ask the gentleman to reserve his point of order. I ask the gentleman to extend me that courtesy.

Mr. MACON. I will extend the gentleman the courtesy.

Mr. KNAPP. Mr. Chairman, I desire to make a brief statement in reference to that item, and ask permission to do it.

Mr. Chairman, this item of $75,000 is for the purchase of about 11,000 acres of land, known as "Pine Plains," and situate in Jefferson County, N. Y., for the purpose of army field drills, and is favorably recommended by the War Department.

The plan of concentrating the army in different sections of the country for the purpose of field drills and maneuver purposes was instituted by Secretary Root when Secretary of War. This plan has been followed as one of the most effective in the proper discipline and field drills, not only of the Regular Army, but also of the national guard of the several States. The plan as known to most of the Members has been to concentrate the troops of the Regular Army within a certain radius or section of the country for drill purposes and in alternate years to invite the state militia located within the same radius or section of the country to join with the Regulars in these field drills.

While these concentration camps or field drills have been held for the past several years, the necessity and importance for them has been increased by reason of the recent action of Congress. By the law passed at the last session of Congress, known as the "Dick law," the militia or national guard becomes a part of the regular force of the United States, so that hereafter these two branches of the service will be in closer relationship, and these maneuvers or field drills will necessarily include both branches of the service, thus necessitating more extensive maneuver grounds and making such concentration camps and field drills more important and necessary than heretofore.

This was emphasized in the statement made by General Oliver before the Appropriations Committee, speaking relative to the purchase of Pine Plains, when he said:

It will have to be the policy. There is no other way of teaching the national guard except by bringing them in contact with regular troops and giving them the benefit of their experience and instructing them in large bodies.

Further than all of this, the plan has been approved by Congress. At the first session of the present Congress there was appropriated the sum of $1,000,000 for this purpose, and at the present session of Congress there was included in the act making appropriations for the army the sum of $400,000, so that the plan or policy has received the approval of the department and the Congress and has become permanent.

Now, with reference to this item for the purchase of Pine Plains. In carrying out this plan of field instruction, it has been the policy of the department, where there are no reservations that can be advantageously used, to select a point contiguous to several army posts, and this is made the center for concentration of troops, and it has further been the policy to select locations as inexpensive as possible, so that the sites may be purchased, if satisfactory. The controlling reason for this has been that it is very expensive to fit up these sites, running up to from $15,000 to $30,000. The department believes that it is the part of economy to select those that can be purchased at a reasonable cost rather than continue the initial cost of fixing up the encampments, so that the betterments that are put on will be the property of the United States and become permanently useful.

In New York and New England, which constitutes a radius where, in the opinion of the department, one of these camps should be located, there are no reservations which can be advantageously used without added purchase of land which would cost far more than that at Pine Plains.

Therefore, in 1904 the department, through a board of officers duly appointed, inspected various locations throughout this section of the country to see if land suitable for this purpose could be obtained at reasonable cost, and among other sites that board inspected Pine Plains and made report. Subsequently a second board of officers made a special inspection of this tract of land, and also made report. The department through these investigations and reports became convinced that this was a most suitable and desirable location and took steps to secure options on a sufficient amount of land at this point. These options, however, aggregated in value $388,000 for about 20,000 acres of land. This was by the department considered excessive. Subsequent to this the Third Brigade of the National Guard of the State of New York had its annual encampment and field drill here, which proved in every way successful, and demonstrated that the location was a desirable one for such purposes. In 1907 the war board again assembled and again went over this tract and again arranged for options, and the department arranged to have the United States troops stationed at Buffalo, Niagara, Oswego, Madison Barracks, Plattsburg, and Burlington go into camp at that point; and it also invited the organized militia of the States of New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Maryland to unite in this encampment and field instruction.

This encampment, constituted of regular troops and state militia, was under the command of Gen. Frederick D. Grant, and the troops numbered in the aggregate about 10,000, and was held from about the middle of June to the middle of July, 1908. This encampment proved in every way successful and demonstrated to the entire satisfaction of the War Department and the officers and men encamped there that Pine Plains was in every way, so far as area, soil, water, climate, and healthfulness, a most satisfactory location for a permanent summer encampment, and reports which will be hereafter referred to were submitted to the department by General Grant, the commanding general, and also by the war board. The department again arranged for options on the lands which were necessary for such maneuver purposes. These options were filed in the department and aggregated about $70,000 for nearly 11,000 acres of land, which is, in other words, about $6.30 per acre. This the department considers most reasonable, and that it would be in the interests of both the service and economy to the Government to purchase this land for permanent annual encampments, and has so reported and recommended to Congress, on which reports and recommendations the Appropriations Committee has included this item.

Of the requisites of Pine Plains for a drill camp for the purposes indicated, I will speak but briefly, rather submitting the reports of General Grant, who commanded the camp in 1908; also the war board which reported to the War Department, and also Acting Secretary of War, General Oliver, all of which substantiate the statement that it is the most suitable location in the country for a drill camp. Pine Plains is situate, as stated, in the county of Jefferson, N. Y., about 25 miles from the city of Watertown, a city having a population of nearly 30,000, about 30 miles distant from the St. Lawrence River and 6 miles from Carthage, having a population of about 4,500.

The area upon which options have been obtained constitutes nearly 11,000 acres, and there is situated adjacent to this several thousand acres which could be obtained at practically the

same price per acre as the options now held should there be necessity for such addition.

The topography of the country is level; the soil sandy, easily absorbing the rainfall; sanitary conditions are unsurpassed; water supply bountiful and excellent; and the climate in that section excellent, most suitable for a summer camp (these camps being held at that season). In fact, the camp has been proven both by the field drills of the Third Brigade of the New York National Guard and the field drills of the Regular Army and the national guard to be an ideal one.

As to the healthfulness of the camp, it may be stated that during the field drills of 1908, during part of which time there were 10,000 men encamped there, there was not a single case of camp sickness reported, and officers and men agree in the statement that it was one of, if not the most healthy camp ever experienced in army life.

The requisite most important, the water supply, is all but unlimited, one spring alone being sufficient to supply 30,000 men. The purity of the water has been proven by numerous tests made before the camp site was selected and during the encampment of 1908, and was found in each and all cases to be of an exceptionally pure and desirable quality.

It is convenient of access for the troops which would be concentrated there, the site being reached from the eastern section of the United States by three lines of railroad running from the south and connecting at Utica, Rome, and Syracuse with the main line of the New York Central and Hudson River Railroad from all points east and west; also a direct line of railroad westerly to Oswego and Niagara Falls; and also a line of railroad running directly eastward reaching northern New England. The railway facilities for reaching the camp are reasonably satisfactory; but should the Government purchase the land, assurances are given by railway officials that the railway facilities will be materially added to and improved.

But not to continue in detail as to the requisites of Pine Plains as a camp, permit me to submit, as more conclusive than any statement that I might make, certain portions of reports of military authorities specially qualified and authorized to speak. Gen. Frederick D. Grant, who commanded the camp at Pine Plains in 1908, in his report to the War Department as to the desirability of purchasing this site, in part said:

From a "sanitary standpoint" I should say that Pine Camp is practically perfect. Thirty thousand soldiers could be camped here and their health maintained as well as it is in this camp, and by the same methods. I know of no location in the northeastern part of the United States more available and suitable for a permanent location of an instruction camp than this place, and I ask for immediate consideration, in view of the disposition of government property now installed at Pine Camp.

The war board especially commissioned by the War Department to make investigation and report as to the desirability of purchasing Pine Plains as a permanent camp reported, in part, as follows:

That climatically the site is good for a summer camp of instruction, as the nights are cool and the days not sufficiently hot to cause serious trouble during marches; that in these respects it is far superior to a more southern location; that the sandy soil absorbs the rain at once, and there is a total absence of muddy roads; that flies are absent, owing to the remoteness of habitations and the absence of fly-breeding places; it is out of the malarial and yellow fever zones; that ample water is available through driven wells, as the sands are underlaid by impervious strata, making a natural reservoir, discharging through numerous subterranean streams and springs; that the absence of camp disease leads to the conclusion that nothing need be feared in a larger camp for longer periods.

These reports are approved by Acting Secretary Oliver in the following words:

What is desired is a tract of land which can be purchased for a moderate price, large enough for the concentration for instruction of the mobile force of the United States Army stationed in the State of New York, and the Militia of the State of New York and the New England States, exclusive of those assigned to coast defenses. The number of these troops will at no time reach 30,000. The land in question is ample for such force, and its location—as regards the Regular Army—the natural concentration point for troops stationed at Forts Porter, Niagara, Madison Barracks, Ontario, Plattsburg, and Ethan Allen. The force at New York City is inconsiderable, and will probably be concentrated at a camp of instruction in Pennsylvania or Maryland.

The location in question is quite remarkable for its unlimited supply of pure water, its admirable climate, and its lack of flies and mosquitoes; and it fulfills all the requirements of the best sanitary conditions. In fact, there has been no place occupied as yet that equals this locality for these purposes.

The railroad companies are prepared to make any additions that may be necessary to handle promptly and efficiently at least 30,000 men.

From my personal knowledge, no locality that I have seen possesses equal advantages; at least no locality which Congress would be willing to purchase, by reason of enormous cost.

This property may be obtained for from $70,000 to $75,000, and additional land may be rented at a nominal rate for further maneuver purposes. A large expenditure has been made on this property for piping the same and for various other necessities, and I am thoroughly convinced that it would be advantageous to the United States to secure it.

These reports by the general in command of the camp, the board specially appointed to report upon the same, and the War Department, through the Acting Secretary, all emphatically indorse and recommend the purchase of Pine Plains, and demonstrate that such action on the part of the Government would be for the advantage of the military service.

But, further, the purchase of Pine Plains would be economy on the part of the Government. United States Army maneuvers or field drills have become a part of the regular training and discipline of the army. Last year eight of them were held in various sections of the country. They have, so to speak, come to stay. The Government, where reservations can not advantageously be used, must either purchase or rent sites, and these in either event must be fixed up for the encampment and drills of the army. This necessitates in each case where the sites are not permanent an expenditure of from $15,000 to $30,000, so that the expense connected with the renting of two temporary sites nearly aggregates the total cost of Pine Plains, where the betterments are already made and suitable for permanent use. These betterments consist of the laying of pipes and the putting in of tanks and engines to pump the water, building the incinerators and crematories for getting rid of the garbage, and building the roads, etc. It is clearly in the interest of economy to purchase this site and save to the Government what would be the cost of continuous betterments and rentals in the case of temporary sites.

This is manifest by the fact that these betterments at Pine Plains have already been made and utilized, so that the only additional expense necessary is that connected with the purchase of the site. This fact of economy was clearly established by General Oliver on hearing before the Appropriations Committee in response to questions by the chairman. He answered as follows:

The CHAIRMAN. What additional amount will have to be expended on this land if it is purchased?

Mr. OLIVER. I should imagine none at all of any consequence. It will be necessary to improve it in the way of building a few permanent roads and a few storehouses. We will not have to pull down and throw away the equipment we have there. There is no reason for any special expenditure being made over and above what we have already provided for. If we should choose another place next year, we would probably have to spend $20,000 or $30,000, and here we would not spend $5,000.

The CHAIRMAN. If this land is purchased, it does not mean that you will come to Congress later on for extensive improvements?

Mr. OLIVER. No, sir. It is not land that you could make a park of. The department wishes the land to remain as wild as it is for maneuvering purposes. There is no desire to do anything except to own the property, so that we will not throw money away on property that does not belong to the Government. I do not believe in appropriating very large sums of money for big camps of concentration. I think it is better to buy a small amount where the property is high and depend on renting the adjoining farms for maneuvering practice, but to have at least enough to camp a corps, so that any improvements you make there will remain our property.

Here, then, is a site concededly reasonable in cost, concededly possessing very desirable requisites for maneuvers and field drills, a site where the Government already has an investment for betterments which can not be used elsewhere aggregating from $20,000 to $25,000, and which would be of permanent service and value in case of purchase, but practically useless in case of no purchase. An investment which would have to be duplicated in each case of rental elsewhere, and, finally, a site the purchase of which has been earnestly recommended by the War Department after every necessary test has been made.

What more is needed to justify a government appropriation? I submit and urge that the best interests of the military service and true economy on the part of the Government not only justify, but emphasize the necessity for passing this appropriation and the purchase of Pine Plains as a permanent maneuver and drill camp for the United States Army.

Mr. GAINES of Tennessee. Where is this land located?

Mr. KNAPP. It is situated in Jefferson County, northern New York.

Mr. GAINES of Tennessee. How much money does the gentleman ask Congress to appropriate?

Mr. KNAPP. Seventy-five thousand dollars.

Mr. GAINES of Tennessee. Have you an option on this property?

Mr. KNAPP. Yes; aggregating $70,000 to $75,000 for 11,000 acres of land.

Mr. GAINES of Tennessee. I presume it is a written option, so that it is binding?

Mr. KNAPP. Yes; filed in the department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask unanimous consent that the time be extended five minutes.

Mr. CHANEY. Regular order!

Mr. KNAPP. The Government already has an investment here in betterments of $24,000, which become available if the land is purchased.

The CHAIRMAN. The regular order is demanded.

Mr. SHERMAN. If I can have the attention of the gentleman, I should like to say to him——

Mr. WILLIAMS. Mr. Chairman, both sides of the question ought to be discussed, and one gentleman from New York has been heard in opposition to the point of order already. I should like to have somebody heard in favor of it.

The CHAIRMAN. The point of order has not been discussed. The gentleman from Arkansas [Mr. MACON] reserved the point of order, and the gentleman from New York [Mr. SHERMAN] is recognized.

Mr. SHERMAN. Mr. Chairman, I wish to say——

Mr. WILLIAMS. I insist that both sides have a right to be heard. One gentleman has already spoken in opposition to the point of order. Somebody now has the right to be heard in favor of it.

The CHAIRMAN. The Chair will state that there has been no argument made upon the point of order. The gentleman from Arkansas reserved it, in order that there might be an explanation of the paragraph.

Mr. WILLIAMS. If there has been no point of order made, it was the fault of the Chair, because the Chair did not insist upon it.

Mr. MACON. I have reserved the point of order, and yield to the gentleman from New York [Mr. SHERMAN].

The CHAIRMAN. The gentleman from Arkansas reserves the point of order, in order that the gentleman from New York [Mr. SHERMAN], who has been recognized, may be heard.

Mr. SHERMAN. Mr. Chairman, it is doubtful if anywhere in any of the Eastern States could there be found 11,000 acres of land suitable for this purpose that could be bought for twice, thrice, or even more times the amount of this appropriation; 11,000 acres of land, with a sandy soil, which is drained within sixty minutes after a rain; with a large navigable river running through it, railroads surrounding it on three sides, specially well adapted for the purpose. It has been tried, options have been obtained upon all of it for prices less than they ever could be obtained again. The entire community have become interested in the project, have brought to bear pressure upon all the owners of the land, have shown them that it would be to their advantage to sell at a low price, because every year it would bring a large body of men there who would buy the products of the adjoining property, and thereby make it an advantage to their people to sell at a reasonable price.

In that way the price has been obtained for this land less than any other land can be obtained in any of the Eastern States or anywhere in the country, and it does seem to me as though it would be a great mistake for us to fail to take advantage of the situation now existing and make an appropriation to purchase this land on the options already obtained. I sincerely trust the gentleman from Arkansas will withdraw his point of order.

Mr. MACON. Mr. Chairman, I oppose this proposition because I think we have enough invested in war and armament and so on, and that was why I made the point of order to the paragraph. We have appropriated a great many dollars this year for war purposes in time of peace, and I dislike very much to give my consent to adding additional amounts day by day, and I might say from hour to hour, but I do not see how I am powerful enough to resist the importunities that have been made here, and I will withdraw the point of order.

Mr. WILLIAMS. I reserve the point of order.

Mr. GAINES of Tennessee. I renew the point of order and reserve it.

The CHAIRMAN. The gentleman from Mississippi has already reserved the point of order.

Mr. WILLIAMS. Mr. Chairman, I renew it and reserve it for the purpose of making a few remarks myself. I have noticed that the Chair has not held anybody down on the point of order; all the gentlemen thus far have spoken on the merits of the proposition and not on the point of order. I shall therefore take it for granted that the Chair will permit me to speak on the merits of the proposition.

Mr. Chairman, unless the great town of Bucatunna, in Wayne County, Miss., can be substituted for Pine Plains, N. Y., I shall oppose the paragraph in the pending bill. I want to say that the gentleman could go down in the neighborhood of Bucatunna and buy land for $5 an acre, and instead of buying 11,000 acres he could buy a great many more acres, and then would have a perfectly healthy place for the United States troops to remain in—pleasant in the winter, comfortable all the time, and with a magnificent opportunity for great military camps about it.

I am informed by the gentleman from Massachusetts who stands by my side that it is too far for his Massachusetts folks to go to. The gentleman from Massachusetts must remember that it is just as far from Massachusetts to Mississippi as it is from Mississippi to Massachusetts.

Mr. ROBERTS. But your people do not come to the camp.

Mr. WILLIAMS. It is precisely the same distance. If the gentleman will give me an opportunity to offer an amendment after a while to substitute Bucatunna, Miss., for Pine Plains, I will withdraw the point of order, with the understanding that after the point of order is withdrawn I can move to substitute the great undeveloped site of Bucatunna for the hitherto unknown site of Pine Plains. Mr. Chairman, I withdraw my point of order.

Mr. WILSON of Pennsylvania. Mr. Chairman, I renew the point of order.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York a question. I was in the cloakroom when the paragraph came up, and I do not know the merits of it, and I want light on the subject.

Mr. SHERMAN. Provision has been made for the use of military camps for the purpose of combining the National Guard with United States troops. We propose to purchase a piece of land well adapted for this purpose, and options have been had, so that the purchase price is more than reasonable; it is absolutely cheap.

Mr. GAINES of Tennessee. Does the gentleman from New York think it is absolutely needed?

Mr. SHERMAN. Absolutely needed for this purpose.

Mr. GAINES of Tennessee. And it is a bargain?

Mr. SHERMAN. It is more than a bargain.

Mr. GAINES of Tennessee. I withdraw the point of order.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have not withdrawn the point of order I made.

Mr. DAWSON. I would like to ask the gentleman from New York if this is the only concentration camp in this section?

Mr. SHERMAN. It is. Mr. Chairman, if the gentleman makes the point of order, I will discuss the merits of the point of order. The act of January 21, 1903, especially authorizes this sort of an appropriation. That act provides that the Secretary of War is authorized to provide for the participation by any part of the organized militia of any State or Territory on the request of the governor thereof—and such request has been made in this instance by the governor of the State of New York—for the encampment, maneuvers, and field instruction of the Regular Army with the troops at a point at or near a military reservation. Now, this point is near a military reservation at Cape Vincent, and I claim that under this act of January 21, 1903, this appropriation is not obnoxious to the rules. If the Chair would like to see the act, I have it here.

Mr. WILSON of Pennsylvania. Mr. Chairman, I have made the point of order because there is no existing law for an appropriation of this kind, and in addition to that I am one of those who are opposed to any method of increasing our military force.

I will go with you as far as any Member on the floor of this House in building up a navy, because I look upon battle ships and cruisers as being but the weapons of war, that take a long time to build up. In addition to that, I never believed in destroying the liberties of the people, and a great standing army is a thing of that kind, and this is simply tending to building up a large standing army. However, I realize that for the small army we have we need some grounds for training purposes, and for that reason I withdraw the point of order.

Mr. WILLIAMS. Mr. Chairman, I move that in line 6, on page 154, the words "Pine Plains, N. Y.," be stricken out and the words "Bucatunna, Miss.," be substituted therefor.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "Pine Plains, N. Y.," and insert "Bucatunna, Miss."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 13, noes 79.

So the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Mississippi makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and eleven gentlemen present—a quorum. The Clerk will read.

The Clerk proceeded to read.

Mr. WILLIAMS. Mr. Chairman, I do not doubt the accuracy of the Chair's count, but I call for tellers.

The CHAIRMAN. On what? The Clerk will read.

The Clerk continued to read.

Mr. WILLIAMS. Mr. Chairman, I demand tellers.

Mr. MANN. It is too late.

Mr. WILLIAMS. It is not too late. Let us not be unfair. I was yelling a demand for tellers while the Clerk was reading.

The CHAIRMAN. Tellers are not demandable on a point of no quorum.

Mr. CLAYTON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CLAYTON. Not for the purpose of making any dilatory motion, but for the purpose of saying that this House met yesterday morning at 10 o'clock, and it is now after 2 o'clock a. m. of the day after, and I think we can get along with the public business of the country better if the committee will now rise and the House take a recess until 10 o'clock this morning. I therefore move that the committee do now rise.

Mr. MANN. And during that time we have read about 50 pages of the bill only, owing to the delay——

Mr. CLAYTON. The gentleman will bear me witness that I have not been guilty of consuming any time.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that in the midst of a paragraph his motion is *not in order*, but when it is concluded the Chair will recognize the gentleman.

Mr. CLAYTON. Very well. On the Chair's suggestion I will renew my motion at the end of the paragraph.

The Clerk read and concluded the paragraph, as follows:

Army supply depot, Fort Mason, Cal.: To continue the construction, on the military reservation at Fort Mason, Cal., of a general supply depot for the supply departments of the United States Army, and to construct thereon the necessary storehouses, offices, shops, stables, sheds, power houses, quarters, and other buildings, together with wharves for the accommodation of at least four ships of the army transport service, $400,000.

Mr. CLAYTON. Mr. Chairman, I now move that the committee rise.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama, that the committee do now rise.

The question was taken; and on a division (demanded by Mr. CLAYTON) there were—ayes 23, noes 68.

Mr. CLAYTON. Mr. Chairman, I demand tellers.

Mr. CLAYTON and Mr. TAWNEY were appointed tellers.

The House again divided; and the tellers reported—ayes 24, noes 62.

Mr. CLAYTON. Mr. Chairman, I make the point of no quorum.

Mr. TAWNEY. Mr. Chairman, I make the point of order that that is dilatory. The Chair has just counted.

Mr. CLAYTON. But the Chairman's count was not accepted. This count is a correct count.

Mr. MANN. The count has nothing to do with it.

Mr. CLAYTON. Then what are we going through with this performance for?

The CHAIRMAN. The Chair will count. [After counting.] One hundred and four gentlemen present—a quorum. The noes have it, and the motion to rise is rejected.

Mr. CLAYTON. Mr. Chairman, a parliamentary inquiry. Can we have tellers on that?

The CHAIRMAN. Tellers are not demandable on a count of a quorum.

Mr. CLAYTON. I think the Chair is in error.

Mr. WILLIAMS. How can a Member verify the count of the Chair, except by tellers or the yeas and nays?

Mr. HARRISON. Mr. Chairman, I heard the Chairman order the Clerk to continue the reading, and I want to make the point of order that in reading the bill the Clerk omitted to read the paragraph on page 154, from lines 9 to 12; the Clerk skipped that in proceeding to read, and did not read that paragraph at all.

The CHAIRMAN. He had previously read that paragraph.

Mr. LANGLEY. That ought to settle it.

Mr. HARRISON. I beg the pardon of the Chair; I was listening attentively and I heard him begin reading the next paragraph.

The CHAIRMAN. The Chair heard it read, and the Clerk will read.

The Clerk read as follows:

Fort Bayard, N. Mex.: For the construction of a cold-storage and central power plant at the United States Army General Hospital, Fort Bayard, N. Mex., and the installation therein of an ice-making and refrigerating plant, and a power pumping plant for water supply, and for generating electricity to light the post, $80,000.

Mr. OLLIE M. JAMES. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. OLLIE M. JAMES. I make the point of order that it is new legislation and not authorized by existing law.

Mr. TAWNEY. That is not the fact, Mr. Chairman. This is a tuberculosis hospital of the United States, and the only one we have, and if the gentleman from Kentucky can derive any satisfaction from trying to strike this out of the bill he is welcome to it.

Mr. OLLIE M. JAMES. Mr. Chairman, I do not expect to derive any satisfaction by trying to strike out anything of the sort, but what you put in this bill you must do it by parliamentary law. I am as much in favor of a tuberculosis hospital as the gentleman is, but I insist that when you come to make your points of order to other meritorious propositions you do not hesitate to do it.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota if there is authority for this construction?

Mr. TAWNEY. Absolutely, there is authority for the construction. The Government of the United States established this hospital there a number of years ago, and this cold-storage plant, the first item, is to take the place of one that is there now; so with the power plant. There is no limit of cost with respect to the buildings, and the establishment was authorized I do not know how many years ago.

The CHAIRMAN. On the statement of the gentleman from Minnesota, the Chair overrules the point of order.

Mr. CLAYTON. Mr. Chairman, I desire to be heard briefly before the Chair rules.

The CHAIRMAN. The Chair is satisfied, and the Clerk will read.

Mr. CLAYTON. Mr. Chairman——

The CHAIRMAN. The Chair does not desire to hear further argument upon the point of order.

The Clerk read as follows:

Fort Meade, S. Dak.: For building reservoirs on the timber reservation of Fort Meade, S. Dak., for impounding the water, and for the construction of a pipe line to bring the water down by gravity to the post mains, $100,000.

Mr. OLLIE M. JAMES. Mr. Chairman, a point of order.

Mr. BEALL of Texas. Mr. Chairman, a point of order.

Mr. OLLIE M. JAMES. Mr. Chairman, is there any way we can get the attention of the Chairman?

Mr. MANN. Mr. Chairman, I rise to a question of order. In the middle of the reading of a paragraph a half dozen gentlemen disturb the House by getting up and saying, "Mr. Chairman," "Mr. Chairman," "Mr. Chairman."

Mr. OLLIE M. JAMES. Mr. Chairman, a parliamentary inquiry. Members have to start in the midst of a paragraph to get the attention of the Chair, and then they are not successful.

Mr. MANN. Of course they are not successful when they rise in the middle of a paragraph; that is just the trouble with the gentleman.

The CHAIRMAN. The gentleman from Texas had already made the point of order.

Mr. OLLIE M. JAMES. Well, just so it is made.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BEALL of Texas. Mr. Chairman, my point of order, which I would have stated if the Clerk had permitted, was that it was new legislation not authorized by existing law.

The CHAIRMAN. What is it that is new legislation?

Mr. BEALL of Texas. From lines 7 to 10, inclusive, page 155.

The CHAIRMAN. We have passed that.

Mr. BEALL of Texas. Mr. Chairman, if I am not to be permitted to make that point because of no interruption between the paragraphs in the Clerk's reading, I will make the point of order against the lines from 11 to 15, inclusive.

Mr. TAWNEY. Is that the Fort Meade paragraph?

Mr. BEALL of Texas. It is the Fort Meade paragraph.

Mr. TAWNEY. Does the gentleman know where Fort Meade is?

Mr. BEALL of Texas. In South Dakota.

Mr. TAWNEY. The gentleman gathers that from the bill, does he not?

Mr. BEALL of Texas. Yes.

Mr. TAWNEY. Well, Fort Meade was established a long time ago. The water supply at Fort Meade has heretofore been obtained from a city in the vicinity of the fort. This reservoir has been established and is there now. It is proposed to build a reservoir on government land for the purpose of supplying the fort with water, which can not be obtained from the city any longer, because the water supply of the city is not sufficient to supply both the fort and the city. It is an established part of the war institution.

The CHAIRMAN. The second paragraph of Rule XXI expressly makes an exception of appropriations in continuation of projects already in progress. This is undoubtedly for the continuation of work upon property already owned by the Government—a continuation of a public work already in progress—and therefore the Chair overrules the point of order.

The Clerk read as follows:

Presidio Military Reservation, San Francisco, Cal.: For continuing the improvement of the grounds within the Presidio Military Reservation, San Francisco, Cal., $7,500.

Mr. GAINES of Tennessee. Mr. Chairman, I make a point of order, or, rather, I reserve it.

Mr. TAWNEY. This is merely to continue the improvement previously authorized by law.

Mr. GAINES of Tennessee. When was it authorized?

Mr. TAWNEY. That is all I have got to say.

The CHAIRMAN. The point of order is overruled.

Mr. GAINES of Tennessee. I move to strike out the last word, Mr. Chairman.

The Clerk proceeded to read the next paragraph.

During the reading,

Mr. GAINES of Tennessee. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee [Mr. GAINES] has been recognized and moves to strike out the last word.

Mr. GAINES of Tennesse. Mr. Chairman, I want to say, with the greatest respect for the Clerk, that he is not to blame.

The CHAIRMAN. The Clerk is under the direction of the Chair and is entirely in order.

Mr. GAINES of Tennessee. I want to say that the Clerk is not to blame for what he is doing. It is the confusion. I defend the Clerk from the criticism that has been made of him.

Now, will the Chairman please tell us why the Government has had to make this improvement?

Mr. TAWNEY. This is for continuing an improvement of the ground.

Mr. MANN. Does the gentleman really want information?

Mr. GAINES of Tennessee. I really do.

I yield to the gentleman from Illinois.

Mr. MANN. I understand the gentleman refers to the paragraph about water supplies. That has been stricken out an hour ago.

Mr. GAINES of Tennessee. Which paragraph was that?

Mr. MANN. The one the gentleman has referred to is on page 153, and has gone out.

Mr. GAINES of Tennessee. Well, Mr. Chairman, the paragraph I allude to.

The Clerk read as follows:

Fort Riley Military Reservation, Kans.: For the preservation of the bank line of Republican River in front of the Fort Riley Military Reservation, by revetment and such other work as may be necessary to protect the said reservation from damage by erosion, $25,000, to be immediately available.

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARRETT. It was my intention to move to strike out the last word.

The CHAIRMAN. Does the gentleman make that motion?

Mr. GARRETT. A few paragraphs ago I wanted to make the motion to strike out the last word.

Mr. OLLIE M. JAMES. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. OLLIE M. JAMES. I rise for the purpose of offering an amendment. I am perfectly willing to wait until the gentleman from Tennessee is heard.

The CHAIRMAN. The gentleman will state his amendment.

Mr. OLLIE M. JAMES. I shall do so if the Chair will be kind enough to give me an opportunity. My amendment is this: After the word "available," in line 10, page 156, insert "to prevent damage by erosion of the Mississippi River in front of Columbus, Ky., $25,000."

Mr. TAWNEY. I make the point of order on that amendment.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Fort Monroe, Va.: Wharf, roads, and sewer: For repair and maintenance of wharf, including all necessary labor and material therefor, fuel for waiting rooms, and water for flushing urinals and closets, painting, repairs, brooms, shovels, etc., $980; repairs to apron of wharf, including all necessary labor and material therefor, $4,155; wharfinger, $900; 2 laborers, $900; in all, $6,935; for one-half of said sum, to be supplied by the United States, $3,467.50.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, in the September number of the Taylor-Trotwood Magazine there appeared an article written by my colleague from Tennessee [Mr. BROWNLOW], with whom I have never agreed upon anything, on the life and character of Andrew Johnson. I am anxious to show my colleague a courtesy. This article is valuable from a historical standpoint. I do not mean to say that I would agree with all the conclusions that are drawn, but it is a valuable article, written from exact knowledge, based upon personal observation and experience, and I want an opportunity to insert that article in the RECORD. I want the article, together with a memorandum in addition to it, prepared by the gentleman from Tennessee, not in the original article, but which was prepared by him, printed in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The article and memorandum are as follows:

DEFENSE AND VINDICATION OF ANDREW JOHNSON.

[By W. P. BROWNLOW.]

This article, by Hon. WALTER P. BROWNLOW, the Republican Congressman who has represented for many years the same congressional district once represented by Andrew Johnson, will be read with interest by all who have read ex-Senator Stewart's sensational and untrue attacks on Mr. Johnson. Of those qualified to write, Mr. BROWNLOW'S knowledge of the facts and his intimate acquaintanceship with the "tailor who became President" have a first call on those who would know the truth.

Following is the magazine article of Hon. WALTER P. BROWNLOW, of Tennessee:

In the book recently published on the Personal Recollections of William M. Stewart, ex-United States Senator from Nevada, gross injustice is done to the character of a former President of the United States, who was a Tennessean and a citizen of the district which I have the honor to represent in Congress.

It would be difficult for the most ingenious member of the "Ananias Club" to compress in the same space as many erroneous statements as Mr. Stewart has in regard to Andrew Johnson. There are but three statements in his article which can not be successfully contradicted.

First in importance is that the assassination of President Lincoln was a great calamity to the whole country.

This nobody doubts, and so would it have been had any other man than Johnson succeeded him. The assertion that Mr. Johnson's election as Vice-President was a calamity may be true, and it may not. If we could know who would have succeeded Mr. Lincoln if Johnson had not, we could then have an intelligent opinion on that subject.

Gen. Simon Cameron, of Pennsylvania, favored the nomination of Gen. Benjamin F. Butler, and it was his opinion that Butler would have been the nominee for Vice-President if Johnson had not. Probably there is not an intelligent citizen of the whole country, except Mr. Stewart, who believes the country would have been better off with Butler in the White House than it was with Johnson.

It is true, as Mr. Stewart says, that before Mr. Johnson became President, and for a short time thereafter, he was "bitter in denunciation of the southern leaders, and the northern people supposed he was really patriotic."

While passionately exhorting his countrymen to prosecute the war for the preservation of the Union to a successful issue, Mr. Johnson did nothing inconsistent with his subsequent conduct when the Confederates laid down their arms and the responsibility devolved on him of restoring the revolted States to their normal relations to the Union.

Mr. Stewart is sorely grieved over Johnson's alleged inconsistency. Better be inconsistent and right than consistent and wrong. And yet nothing is more common in our political history than the changes that have taken place in the opinions of the greatest of our public men. Daniel Webster and John C. Calhoun went from one side to the other of the tariff question, and most of our eminent statesmen have followed their example, although few men have had an opportunity to change their minds on a question of such importance as the tariff. Not only do political leaders change, but the people change. For ten years Andrew Johnson represented the First District of Tennessee in Congress by about 1,000 majority as a free-trade Democrat. For eleven years I have represented the same district as a protectionist Republican by an average majority of 10,000.

PRESIDENT LINCOLN'S CHANGE OF MIND.

In his first inaugural address, President Lincoln declared that he had no authority as President to interfere with the institution of negro slavery in the States where it existed, and solemnly pledged himself not to do so. Within less than two years he said he had this authority, and issued his proclamation abolishing it, and he did right when he did so.

A change of mind, after due deliberation and on convincing evidence, is not evidence of vacillation and weakness, but of strong character and sound judgment. Even ex-Senator Stewart and myself have had sense enough to change our minds. I was an advocate of the free coinage of native American silver and never realized the beauty and beneficence of the gold standard until it was incorporated into the platform of the national Republican party in 1896.

After more than twenty-five years of strenuous advocacy of the free and unlimited coinage of silver, at 16 to 1 or 32 to 1, by which means he secured several elections to the United States Senate, Senator Stewart as suddenly abandoned his shibboleth of "The crime of '73," as he charges Johnson with having done in his treatment of the honestly mistaken advocates of the hapless southern confederacy.

It is doubtful if any candidate for office in this country was ever defeated on the sole ground that he had once given expression to views antagonistic to those that he afterwards professed. Instance the career of the lamented William McKinley. Before his nomination to the Presidency in 1896, on a gold-standard platform, he said in a speech in Congress: "I arraign Grover Cleveland as being unfriendly to one of America's great products—silver." The intelligent people of the country know it is more praiseworthy to be right than to be consistent. That man is a moral coward who through pride of opinion and love of consistency continues to advocate erroneous opinions when the God who made him has given him the light to see it.

JOHNSON WAS PATRIOTIC.

Mr. Stewart complains that when Andrew Johnson was nominated for Vice-President in 1864 "the northern people supposed that he was really patriotic."

In this the northern people were right. Few men gave greater evidence of love of country than did Andrew Johnson. He risked all on

the issue "Fortune, life, and sacred honor." He was the only Senator from the Southern States who was loyal to the Union when the war of 1860–61 began and the only Democratic Senator, North or South, except Stephen A. Douglas, of Illinois, who was for the unconditional maintenance of the Federal Union. The entire fortune of Mr. Johnson, all invested in Tennessee, amounting to about $60,000, the fruit of forty years of economy and honest toil, was staked on the issue, for by virtue of the laws enacted by the confederate congress it would all have been confiscated as that of an alien enemy had the seceding States succeeded in the conflict. In fact, much of it was seized early in the war and the remainder libeled for confiscation in the confederate court. Nay, more, Mr. Johnson on an hundred occasions imperiled his life in advocacy of the Union and in denunciation of its dismemberment, surrounded and threatened as he was by the armed enemies of his flag and country. He gave evidences of patriotism far more exalted than did Mr. Stewart, who denounced secession from the safe retreat of the sagebrush in Nevada or a seat in the Senate Chamber.

In his "History of the War Between the States," A. H. Stephens, vice-president of the confederate states, says it is doubtful if any speech ever delivered in the world's history had so tremendous an effect in its results as did the impassioned and able speeches of Andrew Johnson in the United States Senate at the beginning of our civil war in denunciation of secession and for the preservation of the Union of those States, and very largely as a result of these speeches Tennessee contributed to the Union Army 40,000 as brave soldiers as ever enlisted under the flag.

STEWART'S ASSERTIONS ARE FALSE.

The chief feature of Mr. Stewart's tirade against Mr. Johnson may be likened to the opening of a clogged sewer. He charges that Mr. Johnson was addicted to the excessive use of intoxicating liquors; in fact, that he was a brutish sot.

The charge is false. In proof of his assertion he gives what he alleges to be details of Mr. Johnson's conduct in this regard when he was sworn into office as President of the United States, and he calls to the aid of his poverty stricken memory an exuberant imagination.

For example, he says that the first information Mr. Johnson had that Mr. Lincoln had been shot on the night of April 14, 1865, was conveyed to Mr. Johnson by himself, after Mr. Lincoln's death at 7.22 the next morning, when in company with Senator Foote, of Vermont, and Chief Justice Chase he went to Mr. Johnson's rooms at the Kirkwood House, awakening him out of a drunken sleep, and that then Chief Justice Chase administered to him the oath of office as President.

The facts are that on the night of the assassination, ex-Governor Farwell, of Wisconsin, was among the spectators in the theater. He was domiciled in the same hotel where Johnson was; he was well acquainted with him; and as soon as the President was shot, he hastened to the Vice-President's rooms, which were within five minutes' walk of the theater. He aroused Mr. Johnson from sleep, whose habit it had always been to go to bed early and get up early. He testified that when he conveyed the awful news to Mr. Johnson, he evinced the greatest emotion and deported himself with the dignity befitting his station and the gravity of the situation.

After Governor Farwell, at the request of Johnson, had gone to the house where the President was lying and to Secretary Seward's to obtain information of their condition, they went together to see Mr. Lincoln, who was still insensible. After the wholly false statement that he, Stewart, first conveyed to Johnson news of Lincoln's assassination, he proceeds to tell how he aroused him out of a drunken sleep by kicking the door of his bedroom.

"In a few minutes," he says, "Johnson came in, putting on a very rumpled coat. He was dirty, shabby, and his hair was matted, while he blinked at us through squinting eyes. As he came down into the room we were all standing. Johnson felt for a chair and sat down. Chief Justice Chase said very solemnly:

"'The President has been assassinated. He died this morning. I have come to administer the oath of office to you.' Johnson seemed dazed at first. Then he jumped up, thrust his right arm up as far as he could reach, and said, 'I'm ready,' in a thick, gruff, hoarse voice. The Chief Justice administered the oath. Johnson—President Johnson—went back to his bedroom and we retired."

Then romancer Stewart says he went to the house of Secretary of War Stanton, and "I told him of the condition of Johnson"—that is, he told Stanton that Johnson was drunk, "and that he must be taken care of"—the man who had just taken the oath of office as President of the United States. "Stanton and I were driven back to the Kirkwood House, and, accompanied by the coachman, we went directly to Johnson's rooms. He was lying down. We aroused him, led him downstairs, and put him into Stanton's carriage.

"We took him to the White House and Stanton sent for a tailor, a barber, and a doctor. He had a dose administered, and the President was bathed and shaved, his hair cut, and a new suit of clothes was fitted to him. He did not, however, get into a presentable condition until late in the afternoon, when a few persons were admitted to see him to satisfy themselves that there was a President in the White House."

Of course, if there were a word of truth in the foregoing it would have been published before and during Johnson's trial by the Senate on the impeachment charges, when the bitter hostility of Benjamin F. Butler and others of Johnson's enemies led them to send hired detectives all over Tennessee in the hope of finding something injurious to his reputation.

Mr. Stewart represents Johnson as taking possession of the White House on the day of President Lincoln's death. As a matter of fact, he did not go to the White House until after President Lincoln had been dead six weeks and until it suited Mrs. Lincoln's convenience to return to her home in Illinois.

OTHER FALSE STATEMENTS.

As further evidence of the falsity of Stewart's statements I quote from "Men and Measures of Half a Century," written by Hon. Hugh McCulloch, of Indiana. He was Secretary of the Treasury in the Cabinet of Mr. Lincoln when he was assassinated, and later held the same position under Presidents Johnson and Arthur, and a more honorable, truthful man never served in the Cabinet of any President. Be it remembered that Stewart says that when the oath of office as President was administered to Johnson by Chief Justice Chase that the Vice-President was drunk, and that no one was present except Senator Foote and himself. Chief Justice Chase was a consistent member of the church, and it is a defamation of his character to say that he would have consented to administer to Johnson the oath had he been in the condition Stewart falsely says he was.

The following truthful account is given by Mr. McCulloch in his book referred to, published twenty years ago:

"It was at his hotel, on the morning of the 15th of April, that the oath of office as President was administered to Mr. Johnson by Chief Justice Chase, in the presence of the members of the Lincoln Cabinet (except Mr. Seward) and two or three Senators who happened to be in the city. Mr. Lincoln's body, from which life had departed but a few hours before, had just been conveyed to the White House."

Mr. Seward's absence is explained by the dangerous wound he had received from an accomplice of the assassin of Mr. Lincoln. The absurdity of Stewart's story about going with the Chief Justice to Johnson's rooms at an early hour in the morning, waking him out of a drunken sleep, etc., is apparent.

Mr. Lincoln was shot on the evening of April 14, but did not die until 7.22 the next morning. Immediately thereafter the Cabinet wrote to Mr. Johnson officially, relating the melancholy occurrence, and saying: "By the death of President Lincoln the office of President has devolved under the Constitution upon you. The emergency demands that you should immediately qualify according to the requirements of the Constitution and enter upon the duties of President of the United States. If you will please to make known your pleasure, such arrangements as you may deem proper will be made."

Mr. Johnson accordingly expressed a wish that the ceremony should take place at the Kirkwood House, at 10 a. m. There were present at that time all the members of the Cabinet except Mr. Seward, a number of Senators, and a few other gentlemen.

With all due solemnity, his hand resting upon an open Bible, at Proverbs 22:23, Mr. Johnson took the oath prescribed and was inducted into his high office.

SECRETARY M'CULLOCH'S STATEMENT.

In contrast with Stewart's Munchausen account of Mr. Johnson's conduct on being sworn into office as President, I again quote from Secretary McCulloch:

"The conduct of Mr. Johnson favorably impressed those who were present when the oath was administered to him. He was grief-stricken, like the rest, and he seemed to be oppressed by the suddenness of the call upon him to become President of the great nation which had been deprived by an assassin of its tried and honored chief; but he was, nevertheless, calm, and self-possessed."

Stewart says as soon as the oath was administered to Johnson "he went back to his bedroom."

Secretary McCulloch says, "He requested the members of the Cabinet to remain with him after the Chief Justice and the other witnesses of the ceremony had retired, and he expressed to each and all of us his desire that we should stand by him in his difficult and responsible position. This desire was expressed in the language of entreaty, and he appeared to be relieved when he was assured that while we felt it to be our duty to him to place our resignations in his hands, he should have the benefit of such services as we could render until he saw fit to dispense with them. Our conference with him was short, but when we left him, the unfavorable impression which had been made upon us by the reports of his unfortunate speech when he took the Vice-President's chair had undergone a considerable change. We all felt as we left him, not entirely relieved of apprehensions, but at least hopeful that he would prove to be a popular and judicious President. The hopes of none of us were fully realized, as time went on, and controversies arose between him and Congress; but his first year's administration was cordially supported by every member of his Cabinet."

On the subject of Mr. Johnson's bearing when he was inaugurated as Vice-President, Mr. McCulloch says:

"I was not present when Mr. Johnson took the oath of Vice-President in the Senate Chamber, but the reports of his speech on that occasion amazed me. It was so different from what had been expected of him, so incoherent, so rambling, that those who listened to it thought that he was intoxicated. He had been ill for some days before he left his home, and on his way to Washington had taken brandy as an astringent. On the day of his inauguration as Vice-President he was really ill, and was so unwise as to resort to a stimulant before he went to the Senate Chamber. His appearance and speech on that occasion made a most unfavorable impression upon the crowded assembly, and fears were excited that, at the time when wise and sober counsels were especially required, an intemperate man had been elected Vice-President. These fears were groundless, but the report of his appearance and speech made an impression upon minds suspicious of all southern men that was never entirely removed. I had no personal acquaintance with him, and I shared in the distrust which generally prevailed. Meeting Mr. Lincoln a day or two after, I said to him that the country, in view of the Vice-President's appearance on the 4th of March, had a deeper stake than ever in his life. He hesitated for a moment and then remarked with unusual seriousness: 'I have known Andy Johnson for many years; he made a bad slip the other day, but you need not be scared; Andy ain't a drunkard.'"

MR. M'CULLOCH CONTINUES.

"This remark of Mr. Lincoln's came home to me when, a few weeks afterwards, I heard Mr. Johnson take the oath as President. Mr. Lincoln was right. Mr. Johnson was especially intemperate as a speaker when defending his policy and replying to the severe criticism to which he was subjected, but not in the use of liquor. I had good opportunity for observing his habits, and my fears made me watchful. For six weeks after he became President he occupied a room adjoining mine, and communicating with it, in the Treasury Department. He was there every morning before 9 o'clock, and he rarely left it before 5. There was no liquor in his room. It was open to everybody. For nearly four years I had daily intercourse with him, frequently at night, and I never saw him when under the influence of liquor. I have no hesitation in saying that, whatever may have been his faults, intemperance was not among them. There was a marked difference between his carefully prepared papers and his offhand speeches. The former were well written and dignified; the latter were inconsiderate, retaliatory, and in a style which could only be tolerated in the heat of a political campaign; hence the opinion that they were made under the influence of liquor."

CHIEF JUSTICE CHASE AND BROWNLOW.

Similar testimony was borne by Chief Justice Chase. He inquired of William G. Brownlow, then a Republican Senator from Tennessee:

"What has been the reputation of Andrew Johnson in your State as to drinking intoxicating liquors?" Mr. Brownlow replied: "Mr. Chief Justice, we were all surprised in Tennessee to learn that Johnson was under the influence of liquor when he was sworn in as Vice-President, as I am sure he was from the statements made to me by various persons who were present."

To this Mr. Chase assented. Mr. Brownlow continued:

"As the editor of a Whig newspaper and a speaker in every political campaign we have had in Tennessee since Johnson's entrance into public life I have fought him so zealously that for twenty years we were not on speaking terms. I never failed to publicly denounce him for anything which I believed he did which I regarded as disreputable, as I certainly do the excessive use of liquor, but I never charged him with being a drunkard because I had no grounds for so doing. I do not mean to say that he was a total abstainer from the use of intoxicating drinks, as I have always been, and as I think every man should be, but I do mean that nobody in Tennessee ever regarded him as addicted to their excessive use."

Mr. Chase replied:

"I have asked you for information on this matter because I had heard that you and Johnson had never been personal or political friends." And he added, "Except when he was sworn in as Vice-President I never saw him under the influence of intoxicants. I knew him in the Senate before the war, and then I know he was not a dissipated man. While he was President I saw him very often, frequently late at night and sometimes on Sunday, but I never saw him under the influence of spirits in the slightest degree, and this is the testimony given me by members of his Cabinet and other gentlemen who were intimately associated with him while he was President. In reply to your statement, Mr. Brownlow, that Johnson was 'not a total abstainer,' I will say that I can't now recall the name of an Ohio politician I ever knew who was."

JOHNSON REALLY ILL.

I will add that Mr. Johnson had been so ill for weeks before the 4th of March, 1865, that he had determined not to go to Washington to have the oath of office as Vice-President administered to him, but to have that ceremony performed at Nashville, as it was in the case of Vice-President-elect William R. King, of Alabama, who was seriously ill at Habana, Cuba, on March 4, 1853, when the oath of office was administered to him by the United States consul-general. Having heard of Mr. Johnson's purpose in this regard, President Lincoln wrote and telegraphed him, urging him to come, if possible. He came to Washington on the 2d or 3d of March, and did not go to the Capitol until the 4th. Mr. Stewart says "he came to Washington in January or February, and was around the Capitol for some weeks previous to the inauguration of President Lincoln." Nor is it true, as Mr. Stewart says, that when sworn as Vice-President, "he was assisted to the chair by the Sergeant-at-Arms" or by anybody else.

JOHNSON'S NEATNESS OF DRESS.

To every person who ever knew Mr. Johnson, the statement of Mr. Stewart that he was slovenly in attire, filthy in person, and without dignity of bearing is known to be false. He was distinguished for exceptional neatness in person and dress, and dignity of bearing. Charles Dickens, in the English edition of his correspondence, described him as one of the most dignified, courtly men in his bearing he had ever met. In the piratical American reprint of his work the complimentary things said of Johnson are omitted out of deference to the prejudice existing in the North against him. The Hon. John Van Buren, of New York, who had met the leading statesmen of Europe as well as his own country, and himself a prince among gentlemen, said "he had personally known every President from Madison to Hayes, and that in dignity of bearing Andrew Johnson compared favorably with any of them, and was in that regard the superior of a majority of them."

I am here reminded that about thirty-five years ago a female correspondent, writing for the press from Washington descriptive of the then Members of the United States Senate, said that there were two Senators, both born in New York, Hon. Roscoe Conkling and Hon. William M. Stewart, who bore no similarity except that they were each 6 feet 2 inches tall and both red-headed, that Conkling was a man of great ability, and always elegantly dressed and of courtly bearing; that the Senator from Nevada was untidy and slouchy in dress and his manners were those of a cowboy and of the mining camp. It is evident that the question of dress and bearing is largely one of taste, about which there is a great diversity of opinion.

Ex-United States Senator William E. Chandler, of New Hampshire, and the very able Secretary of the Navy in the Cabinet of President Arthur, is a man of far more enviable distinction than Mr. Stewart. While Assistant Secretary of the Treasury under President Lincoln, Mr. Chandler became well acquainted with Mr. Johnson, and in the New England Magazine for May, 1907, he pictures Andrew Johnson "not as the drunken boor of the public fancy, but as a mild-mannered, earnest, quiet, kindly man, who did surprisingly well, in view of his antecedents and environments."

JOHNSON'S PERSONAL BRAVERY.

The culmination of the aspersions of the personal character of Mr. Johnson by Mr. Stewart is the wholly false and ridiculous one that he was a physical coward, and that he, Stewart, in 1875, in the office of the Secretary of the Interior, frightened Johnson into fleeing from him to escape a merited whipping.

Stewart says this happened "in the presence of the Secretary and four or five clerks, immediately after the return of Johnson to the United States Senate." The statement imputes to Mr. Johnson conduct so contrary to his well-established character for courage that nobody who ever knew him will believe one word of it. Mr. Stewart owes it to himself to produce the affidavit of at least one of the many persons who are alleged to have witnessed Johnson's disgraceful cowardice, to corroborate his own statement. It is extraordinary that not one of the lynx-eyed newspaper correspondents in Washington ever got hold of and published an incident so interesting and sensational as that an ex-President of the United States and a Member of the United States Senate should, in broad daylight, for most disgraceful conduct, have fled like a dastard to avoid a personal chastisement in the public office of a Cabinet minister. If Mr. Stewart should reply that his alleged witnesses are all dead, some one might be so uncharitable as to suggest that he waited thirty-three years after Johnson's death to make the charge, so that he could say that the Secretary and all the clerks about him were dead.

TRIED TO CARRY OUT LINCOLN'S IDEAS OF RECONSTRUCTION.

I will not attempt a discussion of the proposition Mr. Stewart raises that Johnson's plan of reconstruction was unconstitutional. That is a question about which the ablest lawyers have differed, and I dare not enter that field, as I know no more of the Constitution than does Stewart. Mr. McCulloch and other members of Mr. Lincoln's Cabinet who were intimately associated with the great President have testified that Johnson's plan of reconstruction was that determined upon by Mr. Lincoln. On this point Mr. McCulloch says: "The very same instrument for restoring the national authority over North Carolina and placing her where she stood before her attempted secession, which had been approved by Mr. Lincoln, was by Mr. Stanton presented at the first Cabinet meeting which was held at the Executive Mansion after Mr. Lincoln's death, and having been carefully considered at two or three meetings, was adopted as the reconstruction policy of the administration. Until a year after Mr. Johnson became President there was entire harmony between him and his Cabinet. In the work of restoring the relations between the Government and the States which had attempted to secede from the Union, which work was taken up where Mr. Lincoln had left it, and which was being prosecuted on the same lines, they were a unit. No objection was raised even to that part of the President's first message which treated of the suffrage question by any member of the Cabinet. It was, in fact, approved by all, and by none more heartily than by Mr. Stanton."

With his enormous prestige and popularity with the people and his great tact in dealing with public men, in and out of Congress, Mr. Lincoln would doubtless have succeeded in carrying to a successful issue the plan of reorganization he had outlined and which Johnson could not. But it is not just to denounce Johnson as a traitor to the Republican party, for he never was or claimed to be a member of that party. He was nominated for Vice-President largely through the influence of Mr. Lincoln, who desired a war Democrat as his running mate. Johnson was known by Mr. Lincoln, as he was by the convention which nominated him for Vice-President, to hold to the doctrine that all rights which were not clearly conferred upon the Government by the Constitution, or which were not fairly inferable from those which were expressly granted, were reserved to the States. He believed, with Andrew Jackson, that in these reserved rights the right of secession was not included, and he believed also that the Government had no authority to declare who should be citizens of the States, or what, within the States, should be the qualification of voters.

That Christian statesman, Hugh McCulloch, the friend and adviser of Lincoln, so thoroughly understood and so truthfully portrays the character of Mr. Johnson that I gladly quote further from him:

"No public man in the United States," said he, "has been so imperfectly understood as Andrew Johnson. He had many faults, but he abounded in admirable qualities. His love for the Union was a passion intensified by the dangers to which it had exposed him, and by his labors in its defense. It was his devotion to the Union which compelled him to oppose the reconstruction acts of Congress, which he thought would greatly retard, if it did not prevent, its perfect restoration. I differed from him upon some subjects, but I never had reason to doubt his patriotism, or his personal or official integrity.

"Mr. Johnson was a man of unblemished personal integrity. He was an honest man, and his administration was an honest and clean administration. In this respect it will bear comparison with any that preceded or has followed it. In appointments, money was not potent. Offices were not merchandise. The President never permitted himself to be placed under personal obligations to anyone. He received no presents. The horses and carriage which were sent to him soon after he became President were promptly returned. If he did not declare that public offices were public trusts, his actions proved that he so regarded them. In some matters I doubted the correctness of his judgment, but I never doubted his devotion to what he considered his duty to his country, and the whole country. He was a laborious, painstaking man. For him fashionable watering places had no attractions. Neither by him nor by any member of his Cabinet was recuperation sought at the seashore or in the mountains. His administration had little popular and no distinctive party support, but judged by its merits, as sooner or later it will be, it will cast no discredit on the national honor."

Mr. Stewart boasts that he voted to impeach him, and says "he would do it again."

James G. Blaine, in his great history "Twenty Years of Congress," says he voted to impeach him, but he rejoices that he was not impeached. John Sherman also voted for his impeachment, but years afterwards said he was glad it had failed. Perhaps the only Senator who voted for the removal of Johnson from office who "would do it again" is the Senator from the imperial State of Nevada.

After reciting that the ground for the impeachment of President Johnson was sought in his suspension of Mr. Stanton as Secretary of War and his extempore speeches denouncing his political opponents, Mr. McCulloch says: "Other causes for his impeachment were sought for. His bank account was examined. His private conduct in Washington was carefully scrutinized. Men were employed to investigate his public and private character in Tennessee, but nothing was found to his discredit. There were few public men whose characters and conduct would have sustained as severe scrutiny as Mr. Johnson's was subjected to in 1867. No one that knew anything of Mr. Johnson could doubt his ability, integrity, or patriotism. No one could truthfully say that he was intemperate, and yet a Methodist bishop, a few years after Johnson's death, in a speech which he made at Woodstock, Conn., on the Fourth of July, referred to him as having been a "drunken imbecile," and this expression, shameful and brutal and false as it was, was listened to by a crowd of intelligent and respectable people, without rebuke, and published in a religious newspaper without comment. Years ago a distinguished clergyman, in a historical sermon or address delivered in Washington, spoke at length of Tyler, of Fillmore, of Arthur, of all the Vice-Presidents who became Presidents by virtue of their office as Vice-President, except Johnson, whose name was not even mentioned. And yet, can you say that he served the country less faithfully than they did, or that his lifelong services were less valuable than theirs?

I am a Methodist myself, and I cordially approve of this criticism of a bishop of my church whose language was so unjust, false, and unChristian. In striking contrast to the reprehensible conduct of the bishop referred to, who personally knew nothing of Mr. Johnson, I take pleasure in quoting from another Methodist bishop, Rev. E. E. Hoss, of Nashville, Tenn., who was perfectly familiar with the character of Andrew Johnson. Bishop Hoss is an honor to his church and wholly abstains from participation in partisan politics. His sense of justice and love of truth have alone prompted the reply he has made through the Nashville Banner to Mr. Stewart's aspersions on Mr. Johnson:

BISHOP E. E. HOSS SAYS:

"The venerable ex-Senator from Nevada does not write dispassionately. On the contrary, he displays a spirit of personal malice, and of almost brutal coarseness in all his paragraphs. * * * That Andrew Johnson was born and reared in absolute poverty; that he passed the period of his youth without even the slightest educational advantages; that he contracted a sort of aversion toward those who were more fortunate in their circumstances than himself; and that to the end of his career his character bore some of the marks of his bitter

early years, all these things are to be freely admitted. * * * But that he was an ignoramus, a cheap demagogue, a time-serving politician, and a common sot is as false and slanderous as any allegation could be.

"Before he had passed his twenty-first year he had acquired a taste for the reading of books, and of such books as really count. It may surprise some persons to know that he bought and studied Plato's Republic. With the political history of the United States he made himself entirely familiar. No man kept up better with the newspapers, which all must agree are an invaluable vehicle of education. He sought from the beginning the society of intelligent men. His shop grew to be a center of debate and discussion. Naturally vigorous in intellect, and always eager for knowledge, he made the most of his opportunities and grew in strength and compass from the beginning. First and last he went upon the hustings with nearly every man of great prominence in Tennessee, and held his own with them all. With the possible exception of Thomas A. R. Nelson, who was a man of superb native gifts and of large and accurate attainments, it is doubtful if any of his antagonists ever fully measured up to him. John A. Aiken, William G. Brownlow, Nathaniel G. Taylor, Landon C. Haynes, Gustavus A. Henry, Meredith P. Gentry, and Horace Maynard, one after another, found themselves more than matched by this plain, straightforward tailor, whose power over popular audiences was due, not to the graces of oratory, but to the sledge-hammer vigor with which he drove home his points. Mr. Henry, 'the Eagle Orator,' once said of him: 'The harder you press him, the higher he is sure to rise.' Frequently chosen to the state legislature, five times elected to the lower House of Congress and twice to the United States Senate, and elevated in succession to the Vice-Presidency and Presidency of the United States, it is folly to intimate that he was lacking in intellectual force.

"The intimation that Mr. Johnson was in the habit of dressing like a tramp and behaving like a clown is pure fiction. He knew the value of good clothes, and it is doubtful whether anybody ever saw him when his garments were not of the best material and made to fit. He had also great dignity of manner. I was not brought up to admire him. My people were old-line Whigs of the straightest sect; and, as a boy, I had grave difficulty in believing that a Democrat could be the right sort of a man. But I shall never be able to forget the deep impression that Mr. Johnson made upon me. After his retirement from the Presidency I met him frequently in Greeneville, where I was then a young minister, and once I spent a pleasant afternoon in his own home. At that time, whatever may have been the case when he first came before the public, there was nothing lacking of the well-bred gentleman in his demeanor.

"It is a matter of common tradition that during his stay in the White House he bore himself with as much ease as if he had been born in the purple. Visitors from abroad never failed to carry away pleasant recollections of him. The late Doctor Wilman, editor of the best edition of Gibbon's Rome, was eulogistic in speaking of him, and Charles Dickens wrote that he had a commanding presence, a splendidly shaped head, and every sign of an extraordinary man.

"To those who knew Mr. Johnson, Senator Stewart's story about frightening him and causing him to make tracks in order to escape merited chastisement, have a Munchausenish sound. When did he ever show the white feather? His whole life was full of independence and courage. As a young man he dared to defy General Jackson, and to support Hugh Lawson White for the Presidency against Martin Van Buren. When Know-Nothingism swept over the land, he did not compromise with it for a single moment, but smote it full in the face. At the beginning of the civil war he put his life in frequent jeopardy by his devotion to the Union. I am old enough to have seen him show the most dauntless front in the face of crowds that were angry enough to have slain him. In all our history there is nothing finer than the stand he took against the reconstruction measures of the triumphant Republican party. Saying nothing at all about the wisdom of his course, it is at least certain that he did not bear himself in that great contest like a man that knew the meaning of fear.

"He has been called a demagogue, and such, in a certain sense, he was. But there is no ground for supposing that his profession of faith in the common people was insincere. He was one of them; he knew them; he sympathized with them. That he was a real patriot is true. The Union of the States was dear to him. To serve it, he was willing to break with his own party. And when the war was over, though he had indulged in unpardonable bitterness of speech toward the South, he was so solicitous to protect and preserve the Constitution that he once more risked everything, even the probability of removal from office by impeachment, rather than give in his adhesion to policies that seemed to him to be violative of the letter and spirit of that great compact between the States.

"Mr. Johnson's personal honesty was absolutely beyond question. He was simple in his way of living and thrifty in the management of his affairs, but he never soiled his fingers by handling a dirty dollar. As a public official he made it an invariable rule to receive no gifts, great or small. George Washington himself was not more scrupulous of his reputation in money matters. As his best biographer has said: 'His public policies were often challenged, but no man ever suggested aught against his personal integrity. He refused to use the patronage and prestige of his office when President to save himself from threatened impeachment. He even allowed an important member of his counsel—Judge Jere Black—to retire from the case rather than take a step which might be construed by some as favoritism. Costly gifts, when President, were returned to the donors with kind regards. The citizens of New York tendered him a handsome carriage and a splendid pair of horses, but these he politely declined.' I have written the foregoing, not because I am, or ever was, an apologist for the grave faults in Mr. Johnson's character, but because that I have felt it was not becoming in a Tennessean to sit still and see him assailed with reckless malice and without due regard for truth."

I am not an apologist for indulgence in strong drink. I have always totally abstained from the use of all intoxicating beverages, but I realize at the same time that thousands of men who do indulge are better men and better citizens than many who do not, not because of such indulgence, but in spite of it. There are men who—

Compound for sins they are inclined to,
By damning those they have no mind to.

The persistent misrepresentation of Andrew Johnson's habits in this regard ought to stop, whether indulged in by a political bishop or by a pot-house politician.

There is to-day an altogether different sentiment on the liquor question to that which prevailed generally in this country until within recent years. During the period of Mr. Johnson's public service it was not uncommon for even church members to keep a bottle and to invite their visiting friends to partake of the social glass. The habit was reprehensible, and I am rejoiced that it has been almost universally discontinued. But I resent the ignorant or malicious misrepresentations of Andrew Johnson in this matter because I believe it has its inspiration largely in partisan feeling and sectional prejudice. If Johnson had been a Republican and a northern man, the fact of his having been under the influence of a stimulant, taken medicinally, on the 4th of March, 1865, would not be regarded by his detractors as an unpardonable sin in consideration of the fact, as clearly established by the testimony of his Cabinet and all who were intimately associated with him, that while President he was absolutely temperate.

As a class the Presidents of the United States have been singularly abstemious in the use of intoxicating liquors, and in this respect compare most favorably with the rulers and statesmen of Europe.

SHOWS UP SCHURZ.

I will conclude this letter by reference to the "Reminiscences of Carl Schurz," which have recently been published in McClure's Magazine. Mr. Schurz, after telling how he drank a whole bottle of wine with Gen. Frank P. Blair, and also drank wine with the poet Longfellow, is greatly distressed in mind because he had heard that Andrew Johnson was not a teetotaler. He says he called frequently to see him at Nashville during the civil war, while he was military governor, and sometimes when he called Mr. Johnson was not in his office but was reported sick at his residence. He doesn't know that Johnson was drinking, but somebody in Nashville (name of author not given) intimated that such might be the case. He doesn't say that during the frequent times he did see him he ever saw any indication that he had been drinking. Unlike Stewart, Mr. Schurz describes him as being neatly dressed. Mr. Schurz also complains that Mr. Johnson's conversation with him evidenced a bitter, vindictive spirit toward the secession leaders and finally he speaks sneeringly of Mr. Johnson as having sprung from the "poor whites" of the South. In reference to the last-named objection to Johnson I will say that as Mr. Schurz's father was a German peasant it would have been in better taste if he had said nothing of Johnson's humble origin. The peasant of Prussia is the "poor white" of that monarchy, and is not respected by the nobility or wealthy classes a bit more than are the poor whites of the United States by our wealthy monkeys who give monkey dinners at Newport and who sell their daughters to bankrupt debauches of Europe for a title of nobility.

SCHURZ AN INGRATE.

Mr. Schurz visited Johnson, I suppose, very often, as he says, for he was "walking the floor" at the time. He does not tell why he became so much enamored of Johnson's society and the object and result of his visits because that would show what an ingrate he was, and I will supply that omission. I will also say that it would be impossible for Schurz to have felt or expressed greater contempt for Johnson than Johnson felt and expressed for Schurz after he became aware of his perfidy. I will premise by saying that Schurz, like Benjamin F. Butler and Nathaniel P. Banks, of the political generals on the Union side, was a dismal failure as a general. On the Union side the only splendid soldiers I can recall, who at the same time were politicians, were Frank P. Blair, John A. Logan, and Daniel E. Sickles. After the battles around Chattanooga Schurz was in disgrace. I do not mean that he was a coward, but that as a commander of troops he was as big a fraud as he was as a reformer.

He played on the piano and he sang, "I love Thee, oh! I love Thee," and no man ever lived who could do that who was capable of commanding an army. After the battles referred to, Schurz was relieved of command of his divison and ordered to Nashville in command of a recruiting station with three or four companies constituting his army. In a word, he was a major-general with two stars on each shoulder and having only a major's command. Schurz felt the degradation of his position. He lost no time in calling upon Military Governor Andrew Johnson. Metaphorically speaking, he got down on his marrowbones. With tears in his voice, if not in his eyes, he appealed to Johnson, whom, with reason, he believed stood high in the regard of President Lincoln. After referring to what he alleged to be the "injustice of his treatment" he told Johnson how "as a foreign-born citizen his heart had overflowed with gratitude to him since 1855 for the heroic and successful fight he had made in Tennessee against that hydra-headed monster know-nothingism or so-called Americanism, which had sought to ostracize persons of foreign birth, like himself," and he entreated Johnson to intercede with President Lincoln in his behalf. Johnson felt sorry for the fellow and probably was susceptible to Schurz's flattery, who assured him of his everlasting gratitude. Within a very short time Johnson came to Washington and made an earnest and successful appeal to President Lincoln for the restoration of Schurz to a command commensurate with his rank. After Johnson became President, Schurz called on him and after a lengthy interview the latter clearly intimated that he approved the policy of reconstruction President Johnson had outlined, and the President appointed him as a commissioner to visit the Southern States, meet the people who had been in rebellion—leaders and followers—and report to him whether they could be trusted to be loyal to the Union and whether they were fit for restoration to their civil and political rights. At the same time General Grant was also sent South on the same mission. The great soldier and warm-hearted, brave-hearted, and generous gentleman reported favorably on the spirit and temper of the southern people. To the amazement of Johnson, Schurz made a report directly the reverse of that of General Grant. The report of Grant so angered Charles Sumner that he viciously denounced it on the Senate floor as an effort to "whitewash the rebels of the South," and he cited Schurz's report in corroboration of his denunciatory characterization of Grant's report. And this man Schurz now criticizes Johnson for displaying toward the southern leaders in 1863, while war was flagrant, that spirit of hostility which he (Schurz) displayed after the war was over. Later Schurz warmly advocated Johnson's impeachment and removal from office. He was then casting a wistful look to a seat in the United States Senate from Missouri, and he knew there was no chance for that unless he out-Heroded Herod in radicalism. The party then dominant in Missouri had not only disfranchised all who had been active in rebellion against the United States but all who sympathized with them. By law it prohibited all such from practicing law or medicine, teaching school or preaching the gospel. If Schurz then disapproved of any feature of this proscription, he kept his opinions to himself.

After he secured his election to the Senate by "swimming with the tide" he flopped to the other side because he got mad at President Grant for not permitting him to control the federal appointments in Missouri, blossomed into a reformer, and opposed Grant's reelection in 1872.

There is a proverb that "A man can forgive a person who has injured him, but never one whom he has injured." Therefore Schurz's hostility to Johnson.

This "Swiss soldier," as Wendell Phillips called him, and this "D——d Hessian," as old Andy Johnson termed him, is a beautiful specimen to arraign Andrew Johnson on the charge of inconsistency. Schurz advocated McKinley's election in 1896 on the ground that free silverism "was public and private dishonesty." Because President McKinley failed to put that estimate on his importance which he had himself put on it, he earnestly advocated the election of Mr. Bryan in 1900, on the same free-silver platform.

In his "Memoirs" Schurz eulogizes General Grant, who always showed contempt for him, because, I suppose, he believed that would popularize and sell his book, and for the same reason he throws mud on Johnson, but mud thrown by such an ingrate as Carl Schurz won't stick.

There is no class of people who can change their political clothing so suddenly and so often as a professional reformer who is after an office or who has been refused that recognition in his recommendations of others for office as he deems his due.

The Clerk read as follows:

Repairs and operation of roads, pavements, streets, lights, and general police: For rakes, shovels, and brooms; repairs to roadway, pavements, macadam and asphalt block; repairs to street crossings; repairs to street drains; electric lights for streets; repairs and renewal to poles, wires, etc., $4,000; 4 laborers cleaning roads, at $480 each; in all, $5,920; for two-thirds of said sum, to be supplied by the United States, $3,813.23.

Mr. STANLEY. I move to strike out the last word. Mr. Chairman, we should remember, notwithstanding the lateness of the night or the earliness of the morning, the great necessity for deliberation. We are rushing through this bill without paying any particular attention as to whether or not points of order might be made. We are rushing through this bill without having the Clerk read in a formal way, and this bill carries millions of dollars of the people's money, and because it is a little late, because we have been up for some time, that is no reason why we should not give due attention and due deliberation to this measure. There is no reason why gentlemen should hesitate, if necessary, to make points of order or motions to strike out the last word, or move amendments, or take advantage of any of those things that are submitted in orderly debate. Here we are rushing this bill through this way without anybody feeling particular interest in or paying particular attention to it.

It may be that this bill might possibly be improved by such an amendment. I wish to suggest, Mr. Chairman, that in the face of an impending panic, in these strenuous times when we are liable to get into trouble before we know it, with a Japanese war threatened, we ought to be specially careful, especially diligent——

Mr. CHANEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to the amendment.

The CHAIRMAN. The point of order is made that the gentleman is not speaking to the amendment.

Mr. STANLEY. I should like unanimous consent to speak for five minutes, in response to the criticism of the gentleman that I am not speaking to the amendment and that my remarks are not germane.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to speak out of order for five minutes.

Mr. TAWNEY and others objected.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For maintenance and repair of improvements, $65,000, to be expended by and under the direction of the Secretary of War; and to be immediately available.

During the reading,

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Mississippi rise?

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, which is the word "dollars."

Mr. MANN. No; the last word is "available."

Mr. WILLIAMS. The last word is "available." I was not altogether mistaken either, Mr. Chairman, because, after all, dollars which are not available are not dollars at all. [Laughter.] I wish, therefore, to go back and speak about available dollars. This leads me, Mr. Chairman, into discussing the particular motion which I have made, and to notice the historic growth of the currency question.

I find by a particular examination of the history of those pets of the Republican party, the African tribes, that in the early history of their attempted growth toward civilization cattle were counted as money.

Mr. CHANEY. I make the point of order that the gentleman is not speaking to his amendment.

The CHAIRMAN. The point is made that the gentleman from Mississippi is not speaking to the amendment.

Mr. WILLIAMS. I am speaking about available dollars, absolutely in point, and I have made a motion to strike out the last word. I find that a little bit later on——

The CHAIRMAN. The gentleman is debating the word "available," not "available dollars."

Mr. WILLIAMS. What is the ruling of the Chair?

The CHAIRMAN. The gentleman's motion is not to strike out the word "dollars," but the word "available."

Mr. WILLIAMS. I understand, but I thought I had made plain to the Chair that dollars not available could not possibly be dollars.

Mr. CLAYTON. And in the same paragraph is the sum of $65,000.

Mr. WILLIAMS. Just above there is the word "dollars." I find that a little later on in the history of the world, Mr. Chairman, the Latins used the word "pecunia," and I am informed by the gentleman from South Carolina [Mr. JOHNSON] and by the gentleman from Arkansas [Mr. MACON] that that word also meant cattle. I find later on in the history of the world, Mr. Chairman, that Abraham bought a grave——

Mr. TAWNEY. I make the point of order that the gentleman from Mississippi is not speaking to his amendment.

The CHAIRMAN. The Chair is compelled to sustain the point of order.

Mr. STANLEY. I appeal from the decision of the Chair.

Mr. WILLIAMS. I am attempting to the best of my ability to give a history of the word "available" in connection with the word "dollars."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mount Rainier National Park: For completion of the wagon road into said park from the west, heretofore surveyed and commenced, under the direction of the Secretary of War, to be immediately available, $25,000.

Mr. JOHNSON of South Carolina rose.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word, the word "dollars."

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is recognized.

Mr. JOHNSON of South Carolina. On the preceding paragraph I want to ask a question in perfect good faith. I noticed in the hearing before the committee that considerable sums were asked for the laying out of additional roads, on the ground that the roads had become dusty and uncomfortable; and I wanted to know if, in the condition of the Treasury and the growing deficit, the committee have allowed those amounts that were asked for building new roads?

Mr. TAWNEY. The gentleman is now speaking——

Mr. JOHNSON of South Carolina. I am speaking of the testimony before the committee in regard to constructing some very expensive roads, and I wanted to know if they were included in this item.

Mr. TAWNEY. No; I will say to the gentleman that the committee has not recommended a single increase estimated for by the department for any of the national parks. We have given them their current appropriations and no more.

The Clerk read as follows:

Bridge across Mississippi River at Fort Snelling, Minn.: For payment of any and all expenses to be borne by the United States in connection with the construction and completion of a bridge and approaches across the Mississippi River between the Fort Snelling Military Reservation and the city of St. Paul, Minn., $20,000.

Mr. OLLIE M. JAMES. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. I want to know what condition exists here that authorizes the Government of the United States to expend $20,000 to build a bridge across the Mississippi River from Fort Snelling Reservation to St. Paul, Minn.

Mr. TAWNEY. This is not that proposition. The bridge is already built. This is to construct the approaches to a bridge on land owned by the Government of the United States.

Mr. OLLIE M. JAMES. It does not say so. It says "completion of bridges and approaches." Now, if the bridge has been completed, this is an exorbitant amount to appropriate; and in view of the statement of the chairman in charge of the bill that the bridge has been completed, and in view of the further fact that the provision provides for the completion of the bridge, I think it is entirely too large an amount to appropriate for such a purpose. Therefore I shall move to strike out the word "twenty," in line 4, after the word "Minnesota," page 158, and substitute in lieu thereof the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 4, page 158, strike out the word "twenty" and insert "five."

The question was taken; and on a division (demanded by Mr. OLLIE M. JAMES) there were 20 ayes and 68 noes.

So the amendment was lost.

The Clerk read as follows:

For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of two civilian commissioners, maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for state monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance; the purchase of small tracts of lands heretofore authorized by law, including $20,000 for continuing the improvement and maintenance of the road owned by the Government from Stevens Gap by way of Davis's Cross Roads to Crawfish Springs in the park; in all, $55,000.

Mr. WILLIAMS. Mr. Chairman, I rise to make a motion to strike out the last word in order to continue the lecture which I began a few moments ago. I find from an inspection of the Epistles to St. Paul that it is solemnly announced that the love of money is the root of all evil. A man may love money and be a tolerably good fellow, but the love of money is the root of all evil.

Mr. MILLER. Mr. Chairman, I want to suggest that the gentleman is not speaking on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of three civilian commissioners and the secretary, clerical and other services, labor, historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, $27,000.

Mr. EDWARDS of Georgia. Mr. Chairman, it is now four minutes after 3 o'clock in the morning, and I move that the committee do now rise.

Mr. MANN. I make the point of order that that motion is dilatory.

Mr. EDWARDS of Georgia. It has been some time since it was voted down.

The CHAIRMAN. The Chair thinks the motion is dilatory, and the Clerk will read.

The Clerk read as follows:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $75,000.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STANLEY. I move to strike out the last word, in order that I may avail myself of valuable information. There has been a most grievous oversight here, Mr. Chairman. Many of the gallant deeds at Gettysburg are commemorated in this bill. These tablets provided in the bill are intended, of course, to immortalize the glories of those who fell there, but there is one incident connected with Gettysburg——

Mr. TAWNEY. Mr. Chairman, I make the point of order that the gentleman is not speaking to his amendment.

Mr. STANLEY. Mr. Chairman, I am speaking directly to the bill. I want to offer an amendment.

The CHAIRMAN. The gentleman should offer his amendment.

Mr. STANLEY. I wish to have inserted that a tablet be erected at a cost of not less than $5,000 to commemorate the fact that the chairman of the committee was also born near the battlefield of Gettysburg.

Mr. MANN. Mr. Chairman, I make the point of order that the gentleman has to send his amendment in writing to the Clerk's desk.

The CHAIRMAN. The Clerk will read.

Mr. STANLEY. Mr. Chairman, I want to send my amendment up.

The CHAIRMAN. But the gentleman can not take the time of the committee for that purpose. The Clerk will read.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, including all necessary expenses for preparing, correcting, extending, printing, and issuing charts and bulletins, and of investigating lake levels, with a view to their regulation, to be immediately available, $125,000.

Mr. BEDE. Mr. Chairman, I offer an amendment at this point which I send to the desk and ask to have read.

Mr. MACON. Mr. Chairman, I make the point of order against the paragraph.

Mr. MANN. Is that for the survey of the northern and northwestern lakes?

Mr. MACON. Yes.

Mr. MANN. That has been authorized for a number of years.

Mr. MACON. How?

Mr. TAWNEY. By statutory law.

The CHAIRMAN. Does the Chair understand the gentleman from Minnesota to say that this is authorized by statute?

Mr. TAWNEY. Authorized by law, and it is work that has been in progress for many years.

Mr. MACON. I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will read.

The Clerk read as follows:

Insert after line 17, page 160:

"Duluth-Superior Harbor: For continuing the work of dredging in the Duluth Harbor basin near the Duluth entry, commenced under the act of Congress approved May 2, 1908, $150,000."

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

Mr. MANN. I make a point of order against the amendment.

Mr. GAINES of Tennessee. Mr. Chairman, it seems to be a continuation of public work, and I do not see how the point of order would lie.

Mr. MANN. I make the point of order that it is not germane to this part of the bill, and it is not authorized by law.

Mr. FITZGERALD. It is not authorized by law.

Mr. BEDE. It comes in under the dredging of the northwestern lakes.

Mr. FITZGERALD. It is not authorized by law nor is it germane to this paragraph.

The CHAIRMAN. The Chair thinks it is not germane to the paragraph and is not authorized by existing law, and the Chair sustains the point of order.

Mr. MURPHY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MURPHY. I move to strike out the last word. I want to get some information from the gentleman having the bill in charge. I would like to know what lakes are being surveyed, and for what purpose?

Mr. TAWNEY. These are the Great Lakes—Lakes Erie, Michigan, Superior, Huron, Ontario.

Mr. MURPHY. The description is "survey of northern and northwestern lakes."

Mr. TAWNEY. That is what they are called.

Mr. MANN. They are the big lakes. This is done by the Engineer Department of the Army.

Mr. SABATH. Is Lake Michigan included?

Mr. MANN. Yes. The Coast and Geodetic Survey do the survey of the sea.

Mr. MURPHY. How long has this work been continuing?

Mr. MANN. Oh, it has been continuing for many, many years. The gentleman gets charts sent to him continuously.

Mr. MURPHY. I understand that, but I do not understand the necessity for continuing this year after year at a cost of $125,000. I have looked into this to some extent. If the gentleman in charge of the bill can give me some idea as to when this work will be completed, I would like to know.

Mr. TAWNEY. It is impossible to tell.

Mr. MANN. The gentleman is sincere in his inquiry?

Mr. MURPHY. Yes.

Mr. MANN. For instance, let me say that recently the town of Gary, Ind., was laid out, and they have had to survey the lake on the approach to that locality, and there have been discovered, for instance, large areas at the bottom of the lake where the water was exceedingly shallow. They have had to resurvey a considerable portion of the lake in front of the city of Chicago, where there has been a change in the bottom of the lake. Now, the Hydrographic Office is doing that character of surveying on the lake and continuing the survey.

Mr. TAWNEY. Mr. Chairman, I will say that increased draft of vessels is another principal cause for the continuing of this work. There are obstructions to navigation being discovered all the time, and they have had in the last two years to begin a resurvey of the entire Lakes on account of the increased draft of vessels.

Mr. MURDOCK. And is it not true that this work will have to continue right along and it is very valuable?

Mr. TAWNEY. That is true.

Mr. FITZGERALD. I will say to the gentleman from Missouri that the surveys originally were upon the theory that a depth of 12 feet of water would be required. The increasing demands of commerce on the Great Lakes now require that the surveys be made so as to ascertain a depth of from 25 to 30 feet, and for that reason a large amount of work is being done over.

Mr. MURPHY. Does this include a survey of any of the smaller lakes? I represent a district on one of the northwestern.

Mr. FITZGERALD. I understand it is the Great Lakes; that is my recollection.

Mr. MURPHY. I do not understand these words in this paragraph, "and of investigating lake levels with a view to their regulation."

Mr. FITZGERALD. Well, it has been ascertained that there is some change in the lake levels due both to natural and artificial causes, and it was found highly important to have some record of the varying changes that are made, so as to make it possible to keep the charts accurate.

Mr. MURPHY. Does the gentleman consider this amount of $125,000 necessary for this purpose at this time when we are so crowded for money?

Mr. FITZGERALD. Last year the appropriation, if I recollect it correctly, was increased from $75,000 to $125,000, and it seems to be necessary because of the demands of the shipping interests on the Great Lakes.

Mr. MURPHY. I would ask the gentleman further if the demand for any portion of this is caused by the projected deep-waterways canal and other canals running into these lakes?

Mr. MANN. No; that has nothing to do with this work.

Mr. MURPHY. Then, if that is the case, I will move, Mr. Chairman, to strike out, in line 16, the words "one hundred and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 16 strike out the words "one hundred and;" so as to read "$25,000."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Artificial limbs: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, $132,000.

Mr. GAINES of Tennessee. Mr. Chairman, for anyone who is a cripple I feel sorry, and especially for those who have lost their limbs fighting for their country.

Mr. MANN. Has the gentleman a motion pending?

Mr. GAINES of Tennessee. Well, I move to strike out the last word.

Mr. MANN. Then the gentleman will move to strike out the appropriation for the supplying of these limbs.

Mr. GAINES of Tennessee. I will put it back. I do not mean to do that. I want to make an observation which I think is timely. I want to know how long we have had an appropriation of $132,000 for getting artificial limbs. Here it is forty-odd years since the civil war and we are still buying artificial limbs. Now, why does not the appropriation decrease as the old soldiers die?

Mr. TAWNEY. Unfortunately, artificial limbs do not last as long as the natural ones.

Mr. GAINES of Tennessee. I have never worn one and I presume the gentleman speaks from personal experience. [Laughter.] Now, Mr. Chairman, I am entirely serious in this and I want to know how long does the gentleman think we will continue to pay a hundred and thirty-odd thousand dollars in buying artificial limbs?

Mr. TAWNEY. That is nothing; we appropriated over $400,000 last year.

Mr. GAINES of Tennessee. I take it it is nearly forty-five years——

Mr. FITZGERALD. Nine years; that is my recollection.

Mr. GAINES of Tennessee. It has been here longer than that. I have been in Congress twelve years, and I ran across this when I first came, and I remember I made some inquiry about it. I assure you I am entirely serious.

Mr. CAMPBELL. We have added a large number of those who wear artificial limbs within the last twelve years. There are many Spanish-American war veterans.

Mr. GAINES of Tennessee. They did not lose their legs. They just lost their health, as a rule.

Mr. CAMPBELL. I know of many who are wearing artificial limbs.

Mr. GAINES of Tennessee. Mr. Chairman, I would like to have this matter seriously considered.

Mr. STANLEY. Will the gentleman from Tennessee yield to a question?

Mr. GAINES of Tennessee. Yes.

Mr. STANLEY. Does the gentleman know whether there has been any appropriation made by the Department of Agriculture or a department of technology to discover tubercles and other dangerous insects that destroy wooden legs? It may be, Mr. Chairman, if the gentleman will excuse me, that these wooden legs are demanded on account of these boring insects that are now destroying the trees. I have reason to believe they also attack artificial legs.

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

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out something else. [Laughter.] I really do want, gentlemen, to get to the bottom of this matter. It relates to cripples, and I want them to have relief.

The CHAIRMAN. The Clerk will read.

Mr. OLLIE M. JAMES. Mr. Chairman, I wish to offer an amendment.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise. If we can not consider a paragraph to buy artificial limbs for old soldiers of this country without filibustering, it is time for the committee to rise.

Mr. GAINES of Tennessee. Mr. Chairman, I deny that I am "filibustering."

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota that the committee do now rise.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. FINLEY. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 66, noes 20.

The committee accordingly rose; and Mr. MANN having taken the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 28245, the sundry civil appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. FLOYD, by unanimous consent, was granted leave of absence indefinitely, on account of sickness in family.

RECESS.

Mr. TAWNEY. Mr. Chairman, I move that the House do now take a recess until 11 o'clock a. m.

The motion was agreed to.

Accordingly (at 3 o'clock and 20 minutes a. m.) the House took a recess until 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Smithsonian Institution, recommending legislation to provide room for certain models from the Patent Office (H. Doc. No. 1482)—to the Committee on Patents and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMILTON of Michigan, from the Committee on the Territories, to which was referred the bill of the House (H. R. 25553) for the relief of the Alaska Pacific Railway and Terminal Company, reported the same with amendment, accompanied by a report (No. 2247), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth U. S. Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof, reported the same without amendment, accompanied by a report (No. 2248), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER of New York, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 26839) providing for an increase of salary for the United States marshal for the eastern district of Louisiana, reported the same with amendment, accompanied by a report (No. 2249), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARSHALL, from the Committee on Indian Affairs, to which was referred the bill of the Senate (S. 2963) for the survey and allotment of lands now embraced within the limits of the Crow Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment, reported the same with amendment, accompanied by a report (No. 2256), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STERLING, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 6074) to provide for holding terms of the United States circuit and district courts at Springfield, Mass., reported the same with amendment, accompanied by a report (No. 2257), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 6986) for the relief of registers and former registers of the United States land offices, reported the same without amendment, accompanied by a report (No. 2259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARRISON, from the Committee on Foreign Affairs, to which was referred the joint resolution of the House (H. J. Res. 261) authorizing the President of the United States to invite the International Congress of Applied Chemistry to hold its eighth meeting in the United States of America, in the year 1912, reported the same without amendment, accompanied by a report (No. 2245), which said joint resolution and report were referred to the House Calendar.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 28137) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," reported the same without amendment, accompanied by a report (No. 2253), which said bill and report were referred to the House Calendar.

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. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9067) to grant pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and dependent relatives of said soldiers, reported the same without amendment, accompanied by a report (No. 2250), which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9242) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to the widows and dependent and helpless relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2251), which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 9422) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and to certain widows and helpless and dependent relatives of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 2252), which said bill and report were referred to the Private Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 19123) to correct the lineal and relative rank of Granville Sevier, captain, Coast Artillery Corps, U. S. Army, reported the same with amendment, accompanied by a report (No. 2258), 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 of the following titles were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 28337) to create in the War and Navy departments, respectively, a roll to be known as the "volunteer officers' retired list," to authorize placing thereon with pay surviving officers who served in the Volunteer Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list, and for other purposes—to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 28338) to provide for standard packages, grades, and marks for apples in closed packages entering into interstate and foreign commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HALE: A bill (H. R. 28339) to regulate the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WOODYARD: A bill (H. R. 28340) to authorize the Parkersburg Bridge Company to construct a bridge across the Ohio River, connecting Parkersburg, W. Va., with Belpre, Ohio—to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER of Vermont: A bill (H. R. 28341) for the erection of a monument at Burlington, Vt., to the memory of Samuel de Champlain—to the Committee on the Library.

By Mr. GOULDEN: A bill (H. R. 28342) providing for the assembling, collecting, editing, and transmitting by the Secretary of War to Congress, for printing as a public document for distribution, the rolls of soldiers, sailors, and marines, and correspondence and reports relating to the war of the Revolution—to the Committee on Printing.

By Mr. BURTON of Delaware: A bill (H. R. 28343) to increase the efficiency of the Pay Department, United States Navy—to the Committee on Naval Affairs.

By Mr. HULL of Iowa: Resolution (H. Res. 592) providing for the consideration of Senate bill 5729—to the Committee on Rules.

Also, a resolution (H. Res. 594) providing for the consideration of Senate bill 5729—to the Committee on Rules.

By Mr. BURTON of Ohio: Joint resolution (H. J. Res. 262) extending the operation of an act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HUMPHREY of Washington: Concurrent resolution (H. C. Res. 72) asking the Secretary of War to cause an investigation to be made of wagon roads and trails, etc., in Alaska—to the Committee on the Territories.

By Mr. CALDER: Memorial of the legislature of Wyoming, relating to homestead laws—to the Committee on the Public Lands.

By Mr. STANLEY: Memorial of the legislature of Wyoming, relating to creation of forest reserves and homestead laws—to the Committee on the Public Lands.

By Mr. GRONNA: Memorial of the legislature of Wyoming, relative to the creation of forest reserves—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BEDE: A bill (H. R. 28344) for the relief of John E. Mulligan—to the Committee on Appropriations.

By Mr. CANNON: A bill (H. R. 28345) for the relief of Hector Demask—to the Committee on War Claims.

By Mr. GRONNA: A bill (H. R. 28346) to correct the military record of Rastus W. Crandall—to the Committee on Military Affairs.

By Mr. HUBBARD of West Virginia: A bill (H. R. 28347) for the relief of J. Walter Duncan—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: A bill (H. R. 28348) granting a pension to William H. Eonte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 28349) granting a pension to Alice Milliken Byerly—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 28350) granting a pension to James H. Rodgers—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 28351) for the relief of Garland & Bergh—to the Committee on Claims.

By Mr. BENNET of New York: A bill (H. R. 28352) granting an increase of pension to Patrick Oates—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of H. E. Owens and 12 other members of the Penfield Grange, of Pennsylvania; and Hugh Gillis and 17 other citizens of the United States, praying for the enactment of legislation creating a national highways commission—to the Committee on Agriculture.

Also, memorial of the First Presbyterian Church of Dayton, Ohio, praying for legislation to make inquiry as to immigration—to the Committee on Immigration and Naturalization.

Also, memorial of Henry F. Palmer and 21 other citizens of Norwich, Conn., praying for legislation to establish a children's bureau—to the Committee on Expenditures in the Interior Department.

Also, memorial of Evan T. Brown and 60 others, of Springbrook, Pa., praying for the passage of a law providing for instruction in agriculture in the common schools—to the Committee on Agriculture.

Also, memorial of William Lancer, of Brooklyn, N. Y., and other individuals, firms, and corporations in the United States, praying for the reduction of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, memorial of Mrs. T. B. Arnold and 19 other members of the Glen Ellyn Woman's Christian Temperance Union, praying for the passage of the so-called "antiopium bill"—to the Committee on Ways and Means.

Also, memorial of the Benevolent and Protective Order of Elks of Kankakee, Kewanee, and Alton, Ill., praying for legislation to establish a reserve in the State of Wyoming for the care and preservation of the American elk—to the Committee on the Public Lands.

By Mr. ALEXANDER of New York: Petition of Charles Lamy & Sons, of Buffalo, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Men's Club of Plymouth Methodist Episcopal Church, of Buffalo, N. Y., favoring legislation to prohibit shipment of liquor into prohibition States—to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: Petition of citizens of Effingham, Atchison County, Kans., against shipping intoxicants into prohibition States—to the Committee on Interstate and Foreign Commerce.

Also, petition of Topeka Lodge, No. 204, Benevolent and Protective Order of Elks, for reservation for the care of the American elk—to the Committee on the Public Lands.

By Mr. ASHBROOK: Petition of Ohio Bankers' Association against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. BEDE: Paper to accompany bill for relief of I. W. T. Hyde—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Paper to accompany bill for relief of G. H. Crosman—to the Committee on Invalid Pensions.

Also, petition of New York Board of Trade and Transportation, favoring a national board of public works—to the Committee on Interstate and Foreign Commerce.

By Mr. BRODHEAD: Petition of Easton Typographical Union, No. 258, against printing the census at any but Government Printing Office—to the Committee on the Census.

Also, petition of A. R. Dunn and others, of Easton, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BROUSSARD: Paper to accompany bill for relief of heirs of Jean B. Pollingue—to the Committee on War Claims.

By Mr. BURLEIGH: Petition of John Dority Grange, of Sullivan, Me., against parcels-post and postal savings bank legislation (S. 5122 and 6844)—to the Committee on the Post-Office and Post-Roads.

By Mr. CALDER: Petition of International Brotherhood of Bookbinders, against census printing outside the Government Printing Office—to the Committee on the Census.

Also, petition of the Grand Army of the Republic of Kings County, N. Y., against erection of secession monuments on any government reservation—to the Committee on the Library.

By Mr. CHANEY: Petition of Bedford (Ind.) Lodge, No. 826, Benevolent and Protective Order of Elks, for legislation creating a reserve in the State of Wyoming for the care of the American elk—to the Committee on the Public Lands.

By Mr. COOK of Colorado: Petitions of Christ Methodist Episcopal Church, of Denver, Colo.; Twenty-third Avenue Presbyterian Church; Charles A. Campbell and others, of the Woman's Christian Temperance Union; and Eunice H. Emmons, on behalf of 3,000 women members of the Woman's Christian Temperance Union, favoring the Littlefield-Bacon bill and various other measures promotive of the cause of temperance—to the Committee on the Judiciary.

By Mr. DARRAGH: Petition of Erving Park and 36 other citizens of Grand Traverse County, Mich., against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of William Holcom and 50 other citizens of Osceola County, L. J. Maxam and 15 other citizens of Antrim County, and Atwood Grange, of Antrim County, for a national highways commission and federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. FORNES: Petition of Veteran Association of Fifth New York Infantry, favoring S. 1045, to protect monuments erected on the Bull Run battlefield—to the Committee on Military Affairs.

By Mr. FULLER: Petition of J. M. Bradford, of Baxter, Tenn., praying for pension recognition of the Home Guards of Tennessee—to the Committee on Invalid Pensions.

Also, petition of Columbus (Ohio) Industrial Alliance, favoring retention of duty on steel and iron—to the Committee on Ways and Means.

By Mr. HASKINS: Papers to accompany bills for relief of Newton R. Persinger, Frederick E. Wilson, George W. Curry, Susan V. French, Andrew J. McPeck, George S. Hardenbrook, William H. Foreman, Martha A. Swain, Thomas W. Kinney, Allen F. Fort, George H. Rathbun, Andrew S. Weir, and Edwin A. House—to the Committee on War Claims.

By Mr. HAYES: Petitions of S. O. Fuller and 127 others, of Bates, Ark., and vicinity; Harry Sherman and 62 others, of Columbus, Ohio; Peter Rice and 80 others, of Coatesville, Pa.; Louis B. Schaerges and 47 others, of Carthage, Ohio, and vicinity; H. G. Cramer and 58 others, of Athens, Ohio; A. D. Goodrich and 43 others, of Atkinson, N. H.; H. P. Carter and 43 others, of Memphis, Tenn.; W. C. Martin and 43 others, of New Carlisle, Ohio; H. H. Wieschan and 47 others, of Cincinnati, Ohio; Charles H. De Clark and 48 others, of New York and Brooklyn; G. S. Davis and 47 others, of Nashville, Tenn.; C. T. Hannah and 30 others, of Clover Hill, Tenn., and vicinity; Joseph P. Schoenberger, jr., and 19 others, of Cincinnati, Ohio; M. Clark and 44 others, of Aberdeen, Wash.; W. O. Patch and 93 others, of San Francisco and Oakland, Cal.; and T. Hugh and 92 others, of Seattle, Wash., favoring an effective Asiatic-exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petitions of William H. Bauer and 47 others, of Pittsburg, Pa.; V. H. Cusman and 48 others, of Scranton, Pa.; William Dickinson and 20 others, of Pittston, Pa.; and Joe Semensky and 106 others, of Seattle Wash., favoring an effective Asiatic-exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of the board of regents of the University of California, favoring removal of duty on books—to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of Burkett F. Starnes (H. R. 24539)—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petitions of business men of Carlisle, Spring Hill, Van Meter, Dexter, Redfield, Adel, Nevada, Linden, Dallas Center, and Story City, all in the State of Iowa, against establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of S. A. Tomes and others, of Washington, for retention of duty on coal—to the Committee on Ways and Means.

By Mr. LORIMER: Petition of the New Orleans Progressive Union Company, against Senate joint resolution 130—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of business men of Turner, Arenac County, Mich., asking for parcels-post and postal savings bank legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. MACON: Paper to accompany bill for relief of James H. Rodgers—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of J. E. Johnson and others, favoring removal of tax on stills—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of Mrs. Alice Newton, president of the Woman's Christian Temperance Union, favoring interstate liquor measure now before Congress—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of residents of Arapahoe, Nebr., against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. SHERMAN: Petition of Retail Druggists' Association, against the enactment of parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of superintendent of weights and measures, favoring the Mann bill, relative to weights and measures—to the Committee on Interstate and Foreign Commerce.

Also, petition of the board of directors of the Louisiana Purchase Exposition Company, for an appropriation to erect a monument to Thomas Jefferson on exposition site of 1904—to the Committee on Appropriations.

By Mr. VREELAND: Petition of oil producers of Allegany County, N. Y., and Bolivar, N. Y., opposing any change in duty on crude oil—to the Committee on Ways and Means.