By Mr. LAFEAN: Papers to accompany bill (H. R. 28516) granting an increase of pension to John H. Hector; to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of the Lackawanna Steel Co., New York, N. Y., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of the Retail Dry Goods Association, New York, N. Y., protesting against the passage of the amendment to House bill 27148, transferring the classification of books from the third class to the fourth class; to the Committee on the Post Office and Post Roads.

Also, petition of H. E. Willis, assistant grand chief and national legislative representative of the Brotherhood of Locomotive Engineers, Washington, D. C., favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

By Mr. MOTT: Petition of the governor of the State of New York and others, protesting against the passage of the proposed bill to regulate and control the waters of the Niagara River; to the Committee on Foreign Affairs.

Also, petition of the Patriotic Order Sons of America, Philadelphia, Pa., wage earners of Boston, Mass., and W. B. Griffith, New York, favoring the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Local Union No. 8, United Hatters of America, Brooklyn, N. Y., protesting against the passage of legislation for a reduction of duty on hats; to the Committee on Ways and Means.

Also, petition of the Lackawanna Steel Co., New York; the American Association of Foreign Language Papers, New York; and the German American State Alliance, New York, protesting against the passage of Senate bill 3175, for the restriction of immigration over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. O'SHAUNESSY: Petition of the Polish National Alliance Branches, Woonsocket, R. I.; Providence Immigration Society; Adams R. Aiello and Carlo Constantio, Providence, R. I.; and Joseph M. Tally, protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Local Union 534, Brotherhood of Painters, Decorators, and Paperhangers of America, Newport, R. I., protesting against the passage of Senate bill 8141, for placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Modern Political Club, Providence, R. I., protesting against the passage of Senate bill 3175, for the restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of Maraget N. Goodwin, Providence, R. I.; Sarah J. Eddy and M. S. Hall, Bristol Ferry, R. I., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of Alice Hall Walter, Providence, R. I.; Aulem Dalmey and 3 others, of Boston, Mass.; Audubon Society of Rhode Island, Providence, R. I., and Thomas William R. Trowbridge, Providence, favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. REILLY: Petition of the American Association of Foreign Newspapers, protesting against the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of member of Division No. 348, Brotherhood of Locomotive Enginemen, favoring the passage of the workman's compensation bill as amended by the House; to the Committee on the Judiciary.

Also, petition of the Waterbury Central Labor Union, Waterbury, Conn., favoring an amendment to the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SCULLY: Petition of Charles K. Johanson, publisher North Star, New York, and the Polish Alma Mater of America, protesting against the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

Also, petition of 200 voters of Seabright, N. J., and Washington Camp, No. 85, Patriotic Order Sons of America, Red Banks, N. J., favoring the passage of Senate bill 3175, for restriction of immigration, over the President's veto; to the Committee on Immigration and Naturalization.

By Mr. SPEER: Petition of pupils of the public schools of Sharpsville, favoring the passage of the McLean Bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. STEVENS of Minnesota: Petition of the Minnesota State Dairymen's Association, favoring the passage of the Haugen bill to protect the producer and consumer of pure butter from fraud; to the Committee on Agriculture.

By Mr. STEPHENS of California: Petition of the Senate of the State of California, favoring the reestablishment of the fourth revenue collection district of the State of California; to the Committee on Ways and Means.

Also, petition of residents of San Francisco, Cal., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. TILSON: Petition of the New Haven Pomona County Grange, No. 5, of Connecticut, favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Central Federated Union of Greater New York and vicinity, protesting against the passage of House bill 8141, placing the State militia on the national pay roll; to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of a national budget for changing the laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

SENATE.

THURSDAY, *February 20, 1913.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT pro tempore laid before the Senate a communication from the president of the board of directors of the Columbia Hospital and from the Superintendent of the United States Capitol Building and Grounds, transmitting, pursuant to law, plans and specifications for a new building for the Columbia Hospital for Women and Lying-in Asylum in the District of Columbia, which, with the accompanying papers and illustrations, was referred to the Committee on the District of Columbia.

REPORT ON POSTAL SAVINGS (H. DOC. NO. 1408).

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, pursuant to law, the annual report of the operations of the Postal Savings System for the fiscal year ended June 30, 1912, which, with the accompanying paper, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

DISPOSITION OF USELESS PAPERS (H. DOC. NO. 1409).

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a list of papers accumulated in the Bureau of Lighthouses which are no longer needed or useful in the transaction of public business and which have no historical value, and recommending that the papers be disposed of. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Arkansas [Mr. CLARKE] and the Senator from New Hampshire [Mr. BURNHAM] as the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Builders' Exchange of Pittsburgh, Pa., praying for the enactment of legislation providing for the protection of migratory birds, which was ordered to lie on the table.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

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

UNITED STATES OF AMERICA,
State of Wyoming, ss:

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the following and hereto attached copy of enrolled joint memorial No. 1, House of Representatives, State of Wyoming, has been carefully compared with the original, filed in this office on the 15th day of February, A. D. 1913, and is a full, true, and correct copy of the same and of the whole thereof.

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

Done at Cheyenne, the capital, this 17th day of February, A. D. 1913.

[SEAL.]

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

(Original house joint memorial No. 1. Twelfth Legislature of the State of Wyoming.)

Enrolled joint memorial No. 1, House of Representatives, State of Wyoming.

Memorial to the Senate and House of Representatives of the United States relative to the administration of the public-land laws.

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

Whereas the State of Wyoming has been, and is being, discriminated against by the unjustifiable rulings of the Department of the Interior in the administration of the land laws; and

Whereas the Department of the Interior has particularly discriminated against this State in the rulings it has made concerning irrigation projects under the Carey Act, thereby retarding the development of the State; and

Whereas the major portion of the special agents of the department are men from the extreme East and not familiar with conditions in the West; and

Whereas these same special agents act more as persecutors of settlers than prosecutors of fraudulent entries; and

Whereas the rules and regulations laid down by the Forestry Department have become so burdensome and costly that it has and is forcing men and companies out of business and depriving many of our local men of employment: Now therefore be it

Resolved, That we protest against the administration of the land laws which prevents the irrigation, reclamation, and settlement of our public lands; that we favor an enlarged and additional homestead law; that if we must have special agents, that they be Western men, familiar with conditions; that we demand that the regulations relative to the cutting of timber for local use be altered so that residents may secure timber and lumber at reasonable instead of prohibitive prices: Be it further

Resolved, That the secretary of state be instructed to send a copy of this memorial to the United States Senators and Representatives in Congress from Wyoming.

MARTIN L. PRATT,
Speaker of the House.

BIRNEY H. SAGE,
President of the Senate.

Approved February 15, 1913, at 3.30 p. m.

JOSEPH M. CAREY, *Governor.*

Mr. CULLOM presented a memorial of members of the Negro Fellowship League of Chicago, Ill., remonstrating against the enactment of legislation prohibiting intermarriage between races in the District of Columbia, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Springfield and Rock Falls, in the State of Illinois, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of Sumner, Leslie, and Charlotte, all in the State of Michigan, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WARREN presented a joint memorial passed by the Legislature of the State of Wyoming, praying for the enactment of legislation providing for an enlarged and additional homestead, which was referred to the Committee on Public Lands.

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

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

UNITED STATES OF AMERICA,
STATE OF OREGON.
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 2 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 22d day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

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

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

House joint memorial 2.

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

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represents that—

Whereas the city of Portland, in the county of Multnomah, State of Oregon, is divided by the Willamette River, a navigable stream; and

Whereas the east and west side districts of said city of Portland are connected by five drawbridges, over which are operated electric street car lines and across which wagons, automobiles, and other vehicles and foot pedestrians are compelled to pass daily; and

Whereas more than two-thirds of the business population of said city of Portland residing on the east side of said Willamette River is compelled to cross said bridge during the morning hours in order to reach their respective places of business, and across said bridge during the evening hours in order to reach their homes; and

Whereas the draws of said bridges are constantly open for the passage of boats, ships, steamers, and other craft; and

Whereas the opening of said draws tends to delay traffic and causes great annoyance to those who have occasion to cross and recross said bridges: Therefore be it

Resolved, That your memorialists favor the enactment of a Federal law providing for the closing of the draws of all said bridges between the hours of 7 a. m. and 9 a. m., and 5 p. m. and 7 p. m., and for the passage of such a law your memorialists will ever pray.

Adopted by the house January 16, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the Senate January 17, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: House joint memorial No. 2. Adopted by the house January 16, 1913. Adopted by the senate January 17, 1913. W. F. Drager, chief clerk. Filed January 22, 1913. Ben W. Olcott, secretary of state.)

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

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

UNITED STATES OF AMERICA,
STATE OF OREGON.
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

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

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

[SEAL.]

BEN W. OLCOTT,
Secretary of State.

Senate joint memorial 5.

Whereas the opening of the Panama Canal will bring to the Pacific seaboard a largely increased volume of waterway traffic, necessitating the thorough improvement of our waterways and the enlargement of our harbor and dockage facilities; and

Whereas the Columbia River and its tributaries constitute the greatest inland waterways system of the Pacific coast of America and the second greatest of the Nation; and

Whereas the preeminent importance of this waterway has been recognized by the National Government hitherto by large appropriations covering its improvement from its mouth inland; and

Whereas one of the great steamship lines of the world, namely, the Hamburg-American Line, has selected the Columbia River as the Pacific coast terminal for its trans-Pacific-oriental service; and

Whereas the volume of traffic tributary to the Columbia gateway virtually embraces in actual freight carried or directly affected by its water craft the entire coast business, inward and outward, of the Columbia and Snake River basins (a territory almost 250,000 square miles in extent); and

Whereas the full benefits to be obtained from the operation of this waterway can only be secured by its complete and adequate improvement: Therefore be it

Resolved by the senate (the house concurring), That we hereby memorialize the Congress of the United States at its present session to appropriate the sum of $1,400,000, to be immediately available, for the completion of the Celilo Canal and the opening of the Columbia and Snake Rivers to free navigation, this sum being in reality only an increase of $800,000 over the amount necessary to carry on this work on the continuous-contract basis already in operation.

Resolved, That we urge upon Congress the importance of this appropriation in order to save the net sum of $100,000, according to the estimate of the United States engineers in charge of this work.

Resolved, That the opening of the Celilo Canal and the Columbia and Snake Rivers to free navigation during the year 1915 will stimulate the building of municipal docks, the extension of feeder lines of railway, and the construction of steamboats, barges, etc., essential to the development of a vast traffic territory.

Resolved further, That the completion of these improvements at the time indicated will enable the people of the Pacific Northwest, both American and Canadian, to fittingly celebrate the opening of the Celilo Canal and the Columbia River in conjunction with the international ceremonies in honor of the Panama Canal in 1915, thus giving notice to the world of an all-water route from the ports of the world to the interior of western America and British Columbia.

Adopted by the house January 23, 1913.

C. N. MCARTHUR,
Speaker of the House.

Passed by the senate January 21, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: Senate joint memorial No. 5, by Senator Joseph. J. W. Cochran, chief clerk. Filed January 27, 1913. Ben W. Olcott, secretary of state.)

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

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

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 5 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

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

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

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

Senate joint resolution 5.

Whereas the completion of the Panama Canal emphasizes the importance of the improvement of every harbor on our coast line from the northern boundary of the State of California to the Columbia River; and

Whereas there are many bays along the Pacific coast capable of becoming splendid harbors, particularly those of Tillamook Bay, Yaquina Bay, Coos Bay, Coquille River, and Port Orford, and others, each of which, with a comparatively small cost to the Federal Government, could be made ports of entry for all coastwise vessels, as well as those of deeper draft; and

Whereas tributary to these harbors are millions of feet of lumber in our matchless forests, as well as large sections of agricultural land capable of producing great harvests, to say nothing of the products of our mines and our streams, all of which must reach the markets of the world through these channels; and

Whereas each of these harbors are now in direct rail communication with other parts of the world, whereby a proper distribution of commerce and the assembling of the products may be maintained: Therefore be it

Resolved, That the senate, the house concurring, memorialize our Representatives in Washington and request them to earnestly urge Congress to improve these ports and waterways and secure necessary and ample appropriations for the immediate improvement of these harbors that will open them for at least all coastwise vessels, so that the products of our forests, our mines, and our soil may thereby reach the world's markets.

Adopted by the house January 23, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 17, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: Senate joint resolution No. 5, by Senator Hollis. J. W. Cochran, chief clerk. Filed January 27, 1913. B. W. Olcott, secretary of state.)

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

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

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 3 with the original thereof filed in the office of the secretary of state of the State of Oregon on the 27th day of January, 1913, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

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

Done at the capitol at Salem, Oreg., this 7th day of February, A. D. 1913.

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

Senate joint memorial 3.

Whereas the number of divorces throughout the United States has been increasing during the past 50 years at an alarming rate and under the present system there is no uniform law covering this subject in the several States; and

Whereas at the present time the several States are operating under laws so entirely divergent that the legitimacy of children is often made a serious question and property rights are frequently uncertain; and

Whereas the question is one that strikes at the very foundation of our social organization and we deem it necessary and proper that the law in relation thereto should be uniform throughout the United States, and that such law should be so safeguarded that fraudulent divorces can not be secured: Now therefore be it

Resolved, That we instruct our Senators in Congress and request our Representatives at Washington to use their best endeavors to have Congress propose an amendment to the Constitution of the United States whereby the Congress may pass laws regulating the subject of marriage and divorce throughout the United States.

Concurred in by the house January 23, 1913.

C. N. MCARTHUR,
Speaker of the House.

Adopted by the senate January 16, 1913.

DAN J. MALARKEY,
President of the Senate.

(Indorsed: Senate joint memorial No. 3, by committee on Federal relations. J. W. Cochran, chief clerk. Filed January 27, 1913. B. W. Olcott, secretary of state.)

BOARD OF RIVER REGULATION.

Mr. NEWLANDS. Mr. President, I present a resolution adopted by the Legislature of the State of California, memorializing Congress to pass the bill to create a board of river regulation, which I had the honor to introduce early in this session.

I also present a joint resolution adopted by the Legislature of the State of South Dakota to the same effect, which I should like to have printed in the RECORD.

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

Mr. NEWLANDS. I also present a memorial from the Philadelphia Board of Trade, favoring the passage of the bill to create a board of river regulation, and so forth. I should like to have that also printed in the RECORD.

Mr. CRAWFORD. If the Senator from Nevada will permit——

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

Mr. NEWLANDS. I do.

Mr. CRAWFORD. I think the resolution from the State of South Dakota, which the Senator has just presented, has already been printed in the RECORD.

Mr. NEWLANDS. I have that resolution here amongst the papers that were sent to the committee, and I was about to inquire of the Senator whether it had been printed in the RECORD.

Mr. CRAWFORD. I presented the resolution and two or three others from the Legislature of South Dakota some days ago, and they were all printed in the RECORD.

Mr. NEWLANDS. Did all those resolutions relate to the river regulation bill?

Mr. CRAWFORD. The resolution is so important, and relates to a question so important to the country, that I do not object to it being again printed in the RECORD in connection with the Senator's proposed legislation.

Mr. SMOOT. I hope the Senator will not ask that the resolution be again printed in the RECORD if it has already been so printed.

Mr. NEWLANDS. After receiving the assurance from the Senator from South Dakota [Mr. CRAWFORD] that the resolution has heretofore been printed in the RECORD I shall not, of course, ask that it be again printed.

The PRESIDENT pro tempore. The Senator from Nevada withdraws his request?

Mr. NEWLANDS. Yes, as to the printing of the resolution from the Legislature of the State of South Dakota. I should, however, like to have the other resolutions printed in the RECORD.

The PRESIDENT pro tempore. Without objection, the resolutions will be printed in the RECORD.

The resolutions are as follows:

CALIFORNIA LEGISLATURE, ASSEMBLY,
Sacramento, February 6, 1913.

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor to hand you herewith a copy of a resolution adopted by the Assembly of the State of California on the 4th day of February, 1913.

Very truly, yours, L. B. MALLORY,
Chief Clerk.

The following resolution was offered by Mr. Guiberson:

"Whereas a bill has been introduced in the Senate of the United States by Hon. FRANCIS G. NEWLANDS, of Nevada, which, according to its title, proposes 'to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies'; and

"Whereas it has been proposed by the leading supporters of said bill that it be amended so as to provide for an appropriation of $5,000,000 annually for 10 years for the control of the Sacramento and San Joaquin Rivers and their tributaries and for a like appropriation for the control of the Colorado River; and

"Whereas this legislature is in hearty accord with the principles embodied in said bill and believes that the money proposed to be expended under it and the cooperation provided for in it will promote the general welfare; and

"Whereas the vastness and variety of the interests that will be benefited by the expenditures contemplated in the proposed amendments fully justify such participation by the National Government in the work of making the navigable streams of California as useful as possible to the public: Therefore be it

"*Resolved by the Assembly of the State of California*, That the Congress of the United States be, and both branches of said body hereby are, requested to pass said bill, with the amendments aforesaid, and that the Representatives of California in the Senate and the House of Representatives be requested to use their best efforts to that end; and be it further

"*Resolved*, That the chief clerk of the assembly be, and he hereby is, directed to send a copy of this resolution to each Senator and Representative in Congress from this State, to Hon. FRANCIS G. NEWLANDS,

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

Adopted this 4th day of February, 1913.

L. B. MALLOREY, *Chief Clerk.*

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PHILADELPHIA BOARD OF TRADE,
ORGANIZED 1833.
Bourse Building, Philadelphia.

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

This memorial of the Philadelphia Board of Trade respectfully represents:

That through its committee on inland transportation it has examined the provisions of Senate bill No. 122, introduced by Senator NEWLANDS, having for its purpose the creation of a board of river regulation with the view of securing the maintenance by the Federal Government of an adequate levee and bank-revetment system in the low States bordering the Ohio and Mississippi Rivers, and for the ultimate adoption of a policy of stream control which shall check and minimize the formation of floods, which have proved so disastrous in the loss of life and property;

That the yearly damage caused by preventable floods in the drainage basin of the Ohio River, and the damage caused by the great flood of 1912 in the Mississippi Valley, certainly justify the most liberal appropriations and the most careful study for their causes, with the view of securing remedial measures for their prevention;

That Philadelphia, while far removed from the territory affected by these floods, sympathizes with the sufferers therefrom, and believes that in the last analysis the great losses affect unfavorably every business interest, and the General Government is called upon to aid by legislation in securing for the afflicted sections of the country immunity from the recurrence of these devastating floods: Therefore

Your memorialist, the Philadelphia Board of Trade, petitions your honorable bodies to favorably consider and pass Senate bill No. 122, known as the "Newlands river regulation bill."

And your memorialist will ever pray.

PHILADELPHIA BOARD OF TRADE,
[SEAL.] WILLIAM M. COATES, *President.*

Attest:
W. R. TUCKER, *Secretary.*

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Finance, to which was referred the bill (S. 276) to create a tariff board, reported it with amendments.

He also, from the same committee, to which was referred the bill (S. 279) providing for the refund of certain duties incorrectly collected on cutch, reported it without amendment.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (S. 7319) to authorize the sale and issuance of patent for certain land to H. W. O'Melveny, reported it without amendment and submitted a report (No. 1272) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 8130) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply, reported it with amendments.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 8389. A bill to provide for an enlarged homestead (Rept. No. 1275); and

H. R. 27875. An act authorizing the President to convey certain land to the State of Texas (Rept. No. 1274).

Mr. SMOOT, from the Committee on Public Lands, to which was referred the joint resolution (H. J. Res. 326) providing for extending provisions of the act authorizing extension of payments to homesteaders on the Coeur d'Alene Indian Reservation, Idaho, reported it without amendment and submitted a report (No. 1273) thereon.

He also, from the same committee, to which was referred the bill (H. R. 26812) to provide for the selection by the State of Idaho of phosphate and oil lands, reported it without amendment and submitted a report (No. 1269) thereon.

He also, from the Committee on Finance, to which was referred the bill (H. R. 24703) to extend the authority to receive certified checks drawn on national and State banks and trust companies in payment for duties on imports and internal taxes and all public dues, reported it without amendment and submitted a report (No. 1276) thereon.

Mr. CURTIS, from the Committee on the District of Columbia, to which was referred the bill (S. 7640) to incorporate the Virginia Terminal Co., reported it with an amendment and submitted a report (No. 1277) thereon.

Mr. OLIVER, from the Committee on Commerce, to which was referred the bill (S. 8324) to appoint James W. Keen as master's mate in the Revenue-Cutter Service and to place him as such upon the retired list, reported it without amendment and submitted a report (No. 1278) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 7060) for the relief of Samuel H. Walker, reported it with an amendment and submitted a report (No. 1279) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (H. R. 24661) for the relief of James Parsons, reported it without an amendment and submitted a report (No. 1280) thereon.

Mr. SIMMONS, from the Committee on Finance, to which was referred the bill (H. R. 12339) to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La., reported it without amendment and submitted a report (No. 1281) thereon.

Mr. WILLIAMS, from the Committee on Finance, to which was referred the bill (H. R. 18213) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, reported it with an amendment and submitted a report (No. 1282) thereon.

PORT OF LOS ANGELES, CAL.

Mr. PERKINS. From the Committee on Commerce I report back favorably without amendment the bill (S. 8429) to create a board of local inspectors, Steamboat-Inspection Service, for the port of Los Angeles, Cal., and I submit a report (No. 1268) thereon. I call the attention of my colleague [Mr. WORKS] to the bill.

Mr. WORKS. I ask for the present consideration of the bill reported by my colleague.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4414 of the Revised Statutes of the United States by inserting in the first paragraph thereof, after the words "New Orleans, La.," and before the words "Juneau, Alaska," the words "Los Angeles, Cal."; and also by inserting in the fifth paragraph thereof, after the words "Portland, Me.," and before the words "Juneau, Alaska," the words "Los Angeles, Cal."

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

NATIONAL ACADEMY OF SCIENCES.

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the joint resolution (S. J. Res. 162) to exempt the National Academy of Sciences from the payment of duty on medals imported for presentation by it in recognition of research work, and I ask for its present consideration.

The PRESIDENT pro tempore. The joint resolution will be read in full for information.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It exempts the National Academy of Sciences from the payment of duty on medals which it may import for presentation in recognition of researches undertaken for the benefit of science and mankind.

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

LEGISLATIVE DEPARTMENT OF CONGRESSIONAL LIBRARY.

Mr. ROOT. From the Committee on the Library I submit a report to accompany the bill (S. 8337) to create a legislative drafting bureau and to establish a legislative reference division of the Library of Congress (S. Rept. 1271). The bill has already been favorably reported. I ask to have the report printed. With the report I submit a copy of the hearings before the committee, which need not be reprinted.

The PRESIDENT pro tempore. The report will be received and printed.

Mr. ROOT. I give notice that on the 24th, at the first opportunity after the completion of the routine morning business, I shall ask the Senate to consider and act upon the bill, subject, of course, to conference reports and appropriation bills.

PHOSPHATE AND OIL LANDS IN IDAHO.

Mr. BORAH. I wish to ask unanimous consent to have a bill passed which was reported this morning favorably by the Committee on Public Lands. It is the bill (H. R. 26812) to provide for selection by the State of Idaho of phosphate and oil lands. I do not think any possible discussion will arise on the bill.

Mr. SMOOT. I will state that I just reported the bill from the Committee on Public Lands, and its provisions are exactly the same as those that have already been passed relative to a number of other States. I do not think the bill will lead to any discussion whatever.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

WILLIAM HOMMELSBERG.

Mr. JONES. From the Committee on Military Affairs, to which was referred the bill (H. R. 2839) for the relief of William Hommelsberg, I report the bill favorably without amendment, and I submit a report (No. 1270) thereon. I call the attention of the junior Senator from Michigan [Mr. TOWNSEND] to the report.

Mr. TOWNSEND. I ask unanimous consent for the present consideration of the bill. It is a short measure.

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

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws William Hommelsberg shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment United States Cavalry, on the 30th day of November, 1865, and that no pension, bounty, or allowances shall accrue prior to the passage of this act.

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

COL. WILLIAM C. GORGAS AND OTHERS.

Mr. DU PONT. From the Committee on Military Affairs I report favorably, without amendment, the joint resolution (H. J. Res. 365) to permit Col. William C. Gorgas and certain other officers of the Medical Corps and certain officers of the Engineer Corps of the Army to accept service under the Republic of Ecuador, and I ask unanimous consent for its present consideration.

Mr. OLIVER. I should like to hear again read the second proviso of the joint resolution with regard to the compensation.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Provided, That the rate of compensation paid to said officers shall not exceed the rate paid to them or similar officers on the Isthmus of Panama in connection with the construction of the Panama Canal.

Mr. OLIVER. I move to strike out that proviso.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to amend the joint resolution in the manner which will be stated by the Secretary.

The SECRETARY. On page 1, line 11, it is proposed to strike out the following proviso:

Provided, That the rate of compensation paid to said officers shall not exceed the rate paid to them or similar officers on the Isthmus of Panama in connection with the construction of the Panama Canal.

The amendment was agreed to.

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

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

The joint resolution was read the third time and passed.

ISAAC THOMPSON.

Mr. DIXON. From the Committee on Military Affairs I report back favorably, without amendment, the bill (H. R. 3957) for the relief of Isaac Thompson, and I submit a report (No. 1283) thereon. I call the attention of the Senator from New York [Mr. O'GORMAN] to the bill.

Mr. O'GORMAN. I ask unanimous consent for the present consideration of the bill

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Isaac Thompson, now a resident of Columbus, Franklin County, Ohio, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company F, First Regiment Ohio Volunteer Cavalry, on the 26th day of February, 1865, and that no pension shall accrue prior to the passage of this act.

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

DISTRICT COURTS OF PENNSYLVANIA.

Mr. CLARK of Wyoming. From the Committee on the Judiciary I report back favorably, without amendment, the bill (S. 7802) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, to which I ask the attention of the Senator from Pennsylvania.

Mr. PENROSE. This bill merely permits the district court of the middle district of Pennsylvania to sit in the town of Sunbury in addition to the other cities specified where the court shall sit. I ask unanimous consent for its present consideration.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

BILLS INTRODUCED.

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

By Mr. SHEPPARD:

A bill (S. 8556) to provide for the purchase of a site and the erection of a public building thereon at Honey Grove, Tex.;

A bill (S. 8557) for a public building and site at Orange, Tex.;

A bill (S. 8558) for a public building and site at Denton, Tex.;

A bill (S. 8559) for a public building site at Sweetwater, Tex.; and

A bill (S. 8560) to provide for a public building site at Memphis, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. OLIVER:

A bill (S. 8561) for the relief of Mary L. Adair and others; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 8562) granting an increase of pension to Sarah J. Burke; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MARTIN of Virginia submitted an amendment proposing to appropriate $5,000,000 for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate, Va., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-second Congress, third session, and $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-second Congress, third session, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. POMERENE submitted an amendment proposing to appropriate $6,000 to enable the Interstate Commerce Commission to print and furnish to the States report form blanks and to reprint the proceedings of the National Association of Railway Commissioners in annual convention, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BROWN submitted an amendment proposing to appropriate $2,000 for grading, seeding, sodding, and the construction of new walks and curbing in and about the United States public building and grounds in the city of Beatrice, Nebr., intended to be proposed by him to the omnibus public buildings bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM submitted an amendment proposing to appropriate $25,000 for the continuation of aeronautical investigations under the direction of the Smithsonian Institution, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $100,000 for protecting the seal fisheries of Alaska, and so forth, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $225,000 for the purchase or construction of a steam vessel for use in connection with the fur-seal, salmon, and other fisheries of the Pacific coast, and equipment of the same, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment providing that hereafter section 7 of the act of August 26, 1912, shall not apply to the payment, out of moneys appropriated or which may be hereafter appropriated in lump sum for the Department of Agriculture, for personal services of employees engaged in sci-

entific or technical work, and so forth, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. PENROSE submitted an amendment relative to leaves of absence for employees of the postal service, and so forth, intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

Mr. JONES submitted an amendment proposing to appropriate $500,000 for the purchase of a site and the erection thereon of a public building to care for immigrants arriving at the city of Seattle, State of Washington, intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. NELSON submitted an amendment authorizing the Supreme Court of the District of Columbia to inquire into, hear, and determine the issues of law and fact pending between the Secretary of the Interior and the National Automatic Fire Alarm Co., of Washington, D. C., etc., intended to be proposed by him to the omnibus public buildings bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. CURTIS submitted an amendment providing that after June 30, 1913, the first grade for clerks in first and second class post offices and carriers in the city-delivery service shall be abolished and that appointments shall be made to the second grade, etc., intended to be proposed by him to the Post Office appropriation bill, which was ordered to lie on the table and be printed.

PRESIDENT LINCOLN'S GETTYSBURG SPEECH.

Mr. ROOT submitted the following resolution (S. Res. 468), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be, and it is hereby, directed to ascertain and determine upon the correct version of President Lincoln's Gettysburg speech and to report the same to the Senate.

JENNIE M. ALDRICH.

Mr. BURNHAM submitted the following resolution (S. Res. 469), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

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

BUREAU OF MINES.

Mr. POINDEXTER 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. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its amendment numbered 9.

MILES POINDEXTER,
GEORGE SUTHERLAND,
Managers on the part of the Senate.

M. D. FOSTER,
W. B. WILSON,
JOSEPH HOWELL,
Managers on the part of the House.

The report was agreed to.

SNAKE RIVER BRIDGE, WYOMING.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"That the Secretary of the Interior is hereby authorized to use such portion of the reclamation fund, not to exceed $27,000, and in no event more than three-fourths of the sum that may be necessary for the construction of a bridge across Snake River, at a point in township 41 or 42 north, range 116 or 117 west, Wyoming, to be determined by the Reclamation Service, with the view of best serving the people of Jackson Hole and adjacent territory in Wyoming: *Provided*, That no part of the funds herein authorized to be used, except such as may be necessary for the making of examinations and estimates, shall be expended until the Secretary of the Interior shall have obtained, from the proper local authorities, satisfactory guaranties of the payment, by the said local authorities, of one-fourth of the cost of said bridge; and that the said local authorities assume full responsibility for and will at all times maintain and repair the said bridge and approaches thereto: *Provided further*, That the amount of the reclamation fund so used shall be charged as a part of the cost of the reclamation project or projects the construction and development of which have caused the necessity of such bridge."

And the House agree to the same.

W. L. JONES,
F. E. WARREN,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

W. R. SMITH,
A. W. RUCKER,
M. P. KINKAID,
Managers on the part of the House.

The report was agreed to.

INDIANS OCCUPYING RAILROAD LANDS.

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5674) for the relief of Indians occupying railroad lands, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "Situated within the States of Arizona, New Mexico, or California"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "Within a period of three years after the approval of this act"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the amendment proposed by the House insert the following: "And have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value situated in the same State, as may be agreed upon by the Secretary of the Interior, provided that the total area of land that may be exchanged under the provisions of this act shall not exceed 3,000 acres in Arizona, 16,000 acres in New Mexico, and 5,000 acres in California"; and the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Amend the title so as to read: "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, and California"; and the House agree to the same.

ROBERT J. GAMBLE,
CHARLES CURTIS,
W. J. STONE,
Managers on the part of the Senate.

JOHN H. STEPHENS,
CARL HAYDEN,
CHARLES H. BURKE,
Managers on the part of the House.

The report was agreed to.

Mr. CURTIS. I ask that the letter of the Secretary of the Interior explaining the amendments may be printed in the RECORD without reading.

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

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1913.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: The Indian Office has just brought to my attention the CONGRESSIONAL RECORD of January 6, page 1072, at which time Senate bill 5674, Sixty-second Congress, second session, which passed the Senate May 7, 1912, was under discussion by the House. Certain amendments were suggested to the bill as passed by the Senate, but a copy of the bill with the amendments suggested by the House is not now before me. It is noted, however, from the RECORD that the following was offered as an amendment, which was agreed to, the amendment being inserted in line 2, page 2, of the bill:

"And have patented to it other vacant nonmineral, nontimbered, surveyed public lands of equal area and value, situated in the same State, as may be agreed upon by the Secretary of the Interior: *Provided*, That the total area of the land that may be exchanged under provisions of this act shall not exceed 4,000 acres."

Field men of the Indian Office now in the city and those conversant with conditions affecting Indians living on lands granted to railroad companies within Arizona and New Mexico have pointed out that the limitation of 4,000 acres as fixed by the bill in its amended form is entirely inadequate.

By letter dated October 16, 1912, in a communication addressed to Hon. CARL HAYDEN, now a member of the Committee on Indian Affairs in the House, the department advised him that judging from the number of cases heretofore presented involving the railroad lands occupied by Indians the area affected by the bill under consideration would probably not exceed 1,500 or 2,000 acres. This information was based solely on the number of concrete cases which had been up to that time brought to the attention of the Indian Office, and was offered as a suggestion without first-hand knowledge of conditions in the field, and it was not presumed that the information therein contained would be used as a basis for fixing in the act any limitation on the area to be affected thereby should it become a law. As originally submitted to your committee by departmental letter dated February 24, 1912, the draft of a bill along the lines of that found in Senate bill 5674 did not specify any limited number of acres to be governed by its provisions, but left the matter open with a view of handling all cases where it could be shown that Indians have continuously, for a period of five years or longer, occupied lands granted to a railroad company so as to enable the Indians to receive the lands in allotment and satisfy the claims of the railroad company by relinquishment with selection of lieu lands elsewhere.

Under date of January 17, 1913, the supervisor in charge of unallotted Indians in northern California and western Oregon addressed the Indian Office as follows:

"SIR: I have the honor to inclose herewith copy of the bill S. 5674, as printed on page 1072 of the CONGRESSIONAL RECORD of January 6, 1913. Upon debate of this bill committee amendment was offered as follows:

"'Situated within the States of Arizona or New Mexico.'

"If not too late, I would request that this bill be amended to apply to lands situated within the State of California. There are Indians in that State who have resided for much longer than five years upon lands covered by the Central Pacific land grant. If something is not done in this line I fear that action may be taken to jeopardize the rights of Indians who have occupied these lands for many years, and in some cases made valuable improvements thereon.

"Very respectfully,

"HORACE G. WILSON, *Supervisor.*"

The original draft submitted to the Committees on Indian Affairs by this department did not limit the application of the bill to the States of Arizona and New Mexico, but after its passage by the Senate the bill was amended in the House so as to limit its application to the two States named, the amendment being inserted on page 1, line 6, after the word "lands." The Indian Office and the department would prefer to see the words "situated within the States of Arizona or New Mexico" eliminated from the bill, as it would make the legislation general and would enable this department to handle any case involving railroad lands occupied by Indians, regardless of the particular State in which such land might be located. Should your committee deem it essential, however, to limit the application of the bill to specific States, it is respectfully recommended that the bill be further amended by including therein the State of California.

It is not known at this time just how many Indians living within the States now known to be affected may be benefited by legislation authorizing allotment to them of lands granted to railroad companies which the Indians may have occupied for a period of five years or longer, but present information indicates that not more than 4,000 acres will be required for exchange in Arizona, while 20,000 acres each in New Mexico and California is suggested as an area that will probably meet the needs in those States. It would be preferable to have the bill fix no limitation on the number of acres, as it is impossible at this time to say with definiteness just what area may be involved, but if your committee feels it essential to place some limitation on the quantity of land to be governed by the provisions of the bill it should at least be changed to accord with the areas above named.

This department will be pleased if the matter, including the amendments suggested herein, can be given favorable consideration at an early date, as it is of great importance to a large number of Indians living on railroad lands in the Southwest.

Respectfully,

SAMUEL ADAMS,
Acting Secretary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on February 20, 1913, approved and signed the following acts:

S. 186. An act for the relief of Francis Grinstead, alias Francis M. Grinstead;

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4030. An act for the relief of Sylvester W. Barnes; and

S. 5262. An act for the relief of Sylvester G. Parker.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed without amendment the bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910.

ENROLLED BILLS SIGNED.

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

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

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

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

H. R. 18787. An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

RIVER AND HARBOR BILL.

Mr. NELSON. Mr. President, I move that the Senate proceed to the consideration of House bill 28180, the river and harbor bill, on which I understand the Senator from Ohio [Mr. BURTON] desires to address the Senate.

Mr. BRADLEY. Mr. President——

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

Mr. NELSON. Certainly.

Mr. BRADLEY. By reason of the extreme necessities of the case I move that the Senate proceed to the consideration of Senate bill 3201.

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

The SECRETARY. A bill (S. 3201) for the relief of Marion B. Patterson.

Mr. BRISTOW. Mr. President, I object to the consideration of that bill.

The PRESIDENT pro tempore. Objection is made. The Senator from Minnesota [Mr. NELSON] moves that the Senate proceed to the consideration of the river and harbor bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other puposes.

Mr. BURTON. Mr. President, I desire to present some general considerations on this bill.

The PRESIDENT pro tempore. The Senator from Ohio will suspend a moment. The Chair has found it extremely difficult during the last two days to preserve order in the Senate, and he appeals this morning to Senators to observe the rules and to refrain from audible conversation in the Chamber.

Mr. STONE. Mr. President, I should like to ask the Senator from Minnesota whether he thinks he will conclude this bill to-day.

Mr. NELSON. I want to go on with the bill, and it is my intention to do so. I feel that it is important that I should go ahead with it because other appropriation bills are awaiting the passage of this bill.

Mr. STONE. I have no wish——

Mr. NELSON. But, of course, if Senators desire to speak I can *not prevent* them from doing so.

Mr. STONE. No; of course not.

Mr. NELSON. The Senator from Ohio [Mr. BURTON] desires to discuss the bill in general, but he waived his right yesterday and allowed the bill to proceed and the most of it to be disposed of, stating that he would make his remarks subsequently.

Mr. BURTON. Mr. President——

Mr. STONE. Mr. President, if the Senator from Ohio will allow me——

Mr. BURTON. I yield to the Senator from Missouri.

Mr. STONE. I wish to say that there are two items in this bill in which I feel a very special interest and upon which I desire to be heard by the Senate. For two days I have been suffering from a bronchial affection, among other things, which has made me so hoarse that I am scarcely able to speak. I wish to ask the Senator in charge of the bill whether he would consent to allow the provision upon page 52, from line 5 to line 23, *inclusive*, and the provision on page 55, from line 9 to line 23, inclusive, to go over until immediately after the morning business to-morrow.

Mr. NELSON. I do not feel warranted in putting the bill over for another day. Of course, the debate to-day may consume most of the day, and there will be no evening session, but other appropriation bills are waiting to be proceeded with, the Senators in charge of them having kindly given way to the river and harbor bill. Under those circumstances I do not feel that, in justice to those appropriation bills, I can consent to allowing the pending bill to go over until to-morrow.

Mr. CLARKE of Arkansas. I hope the Senator from Minnesota——

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

Mr. BURTON. I yield to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I hope the Senator from Minnesota will comply with the request of the Senator from Missouri. There is a disputed matter in the bill, which will be discussed more or less at length, and I believe, with the disposition that is manifested on both sides, that an arrangement can be made which will really shorten the time that will be devoted to that particular feature of the bill. It is rather fundamental in character, and one which, I think, is required to be thoroughly understood by the Senate before it can be intelligently passed upon. I really believe we shall make progress by complying with the request of the Senator from Missouri, since I know that it is made in good faith because of a disability with the character of which I am entirely familiar, and I believe that the liberal and fair character of the procedure here will justify the Senator from Minnesota in granting the request.

Mr. NELSON. I wish to say to the Senator that I understand the Senator from Ohio is going to make some extended remarks.

Mr. BURTON. I do not think I shall occupy more than an hour.

Mr. NELSON. The Senator from Nevada [Mr. NEWLANDS] is also anxious to make some remarks. I also intend to speak for a short time. Those speeches will probably take up most of the day, and before the day is over we shall know better where we are.

Mr. CLARKE of Arkansas. Even under that statement of the case, the Senator does not make much sacrifice in letting the matter in which the Senator from Missouri is interested go over until to-morrow morning.

Mr. NELSON. Can we get an agreement as to a time for voting on the bill to-morrow?

Mr. STONE. Oh, I am sure of that.

Mr. NELSON. At what time?

Mr. CLARKE of Arkansas. What time does the Senator from Missouri indicate?

Mr. NELSON. Can we take a vote by 2 o'clock?

Mr. STONE. Mr. President, of course, if the Senator is not disposed to accept the suggestion I am making in the kindest spirit, we shall have to go on and do the best we can. There is no disposition to procrastinate.

Mr. NELSON. I will say to the Senator that I have no disposition to crowd this matter. Let us go on with the bill and see what we can accomplish to-day, and then we shall know better what to do.

Mr. STONE. I should like to know as to this before we proceed, if I can know it. Senators must see that at the moment I am suffering from a rather severe disability, and I should like to go and receive some treatment; but if the matter is to go on I will stay, if the Senator is not disposed to be kindly or generous about it, which would be foreign to his usual course in such matters. I merely make the request. The Senator can turn it down if he wishes.

Mr. MARTIN of Virginia. Mr. President——

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

Mr. BURTON. Certainly; I yield to the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, it seems to me that this matter ought to be disposed of, and disposed of now. There are just two items in this bill about which the Senator from Missouri is very much concerned. The Senator from Missouri is ill; his physician says he is not in condition, owing to a throat trouble for which he is receiving treatment, safely to proceed wth the discussion to-day, and I think it would be unprecedented in this body, or in any other body, to refuse to postpone the matter about which he wishes to be heard for a single day, in order to enable him to present his views to the Senate. Such action can not possibly retard the final disposition of the bill. The bill can be taken up, and consent might be obtained now that those two items be taken up to-morrow morning immediately after the completion of the morning business. I hope the Senator from Minnesota will see the real necessity for postponing those two items until to-morrow. As I have said, such action will not retard the bill, and it is a proper courtesy to be extended to the Senator from Missouri when he is not physically able to present his views to the Senate to-day. I hope that the Senator from Minnesota will consent that those two items may go over and be taken up immediately after the completion of the routine morning business to-morrow. The remainder of the bill can be completed to-day and all general remarks on the bill can be made to-day, and we can simply reserve these two items until the Senator from Missouri is able to present his views to the Senate.

Mr. STONE. Mr. President, I am going to make a request that the items I have indicated will not be considered to-day, but that they and the bill so far as not completed to-day will be taken up to-morrow morning, immediately after the routine morning business, and disposed of to-morrow.

Mr. CLARKE of Arkansas. By 5 o'clock.

Mr. BURTON. Mr. President, I wish to say, about fixing any specific hour, that, as regards those items, there will be discussion, and both sides will desire to be heard. I am adverse to having any specific hour named. If the whole bill is to be disposed of to-morrow——

Mr. STONE. Before adjournment to-morrow.

Mr. BURTON. "Before adjournment to-morrow" would be better.

Mr. CUMMINS. Mr. President——

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

Mr. BURTON. I yield to the Senator from Iowa.

Mr. CUMMINS. Mr. President, I am interested in the first subject suggested by the Senator from Missouri. It has not been debated at all. I would be perfectly willing that the vote should be fixed for the legislative day, but not for a particular hour, because I do not know—and no one can tell—to what the debate may lead. It has not yet been opened up.

Mr. SIMMONS. Does the Senator mean the legislative or the calendar day? He said "the legislative day."

Mr. CUMMINS. The legislative day.

Mr. SIMMONS. That might last for several days.

Mr. CUMMINS. I do not want to delay the disposition of this bill a minute. I have something to say about it. I will be as brief as possible in my observations, but I do not want to make them until after the Senator from Missouri has spoken, because he is vastly more familiar with the details of that particular subject than am I. I therefore hope that the unanimous-consent agreement, if one is asked, will not involve voting at a particular hour or during the calendar day, although I do not believe that the debate will go over the calendar day. I think it ought to be the legislative day.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. The Chair understands that the Senator from Missouri [Mr. STONE] has made a request for a unanimous-consent agreement, which the Secretary will read.

The SECRETARY. The Senator from Missouri [Mr. STONE] asks unanimous consent that the two items relative to Mississippi River improvements, one on page 52, beginning with line 5, which proposes to strike out all of lines 5 to 13 and insert the matter that is printed in the bill on the same page, in lines

14 to 23, both inclusive, and also the item, on page 55, relating to the Missouri River, be passed over, and that to-morrow they be taken up, after the routine morning business, and be disposed of to-morrow.

Mr. CUMMINS. May I ask, in a parliamentary way, whether that would not be the calendar day?

Mr. CULLOM. Of course.

The PRESIDENT pro tempore. Undoubtedly it would be.

Mr. CUMMINS. I ask the Senator from Missouri to change it so that it will be the legislative day.

Mr. STONE. I am perfectly willing.

Mr. WILLIAMS. I hope we shall not make any more unanimous-consent agreements about legislative days. We can drag on two or three days under such agreements. I should feel very much disposed to object to a request involving the legislative day.

Mr. CUMMINS. Of course, I am not making the request, and I believe we would get to a vote very much sooner without any agreement than with an agreement. I think a very few hours would finish the debate on this particular subject. But when you fix a set hour, one who wants to speak upon the subject does not know whether or not he will have an opportunity to do it; and until we have proceeded far enough with the debate to know that those who desire to speak upon it will have the opportunity to do so, I do not want a particular hour fixed for the votes.

The PRESIDENT pro tempore. Objection is made.

Mr. NEWLANDS. Mr. President——

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

Mr. BURTON. Certainly.

Mr. NEWLANDS. I would suggest to the Senator from Minnesota that it is entirely safe to postpone until to-morrow the consideration of the items in which the Senator from Missouri is interested, because the general debate and the consideration of other amendments will doubtless take all of to-day. It seems to me we can easily adjust this matter by postponing the consideration of these items until to-morrow, without putting any limit whatever upon their disposition.

There is no disposition on the part of anyone, as I understand, to delay the bill; but there is a desire, particularly upon the part of those who are interested in the items presented by the Senator from Missouri, to have a full discussion regarding them.

Mr. WARREN. Mr. President——

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

Mr. BURTON. I yield to the Senator from Wyoming.

Mr. WARREN. I have only this to say: If we are going to conclude the business of this session, it is impossible to make any more unanimous-consent agreements for legislative days. I have no objection, if the chairman of the committee in charge of this bill has not, to its lying over; but the moment the floor is vacated we must follow it up with other important matters. We have half a dozen appropriation bills lying here now, any one of which can be taken up and proceeded with. We have, on an average, an appropriation bill for every day of the remainder of the session. There are other important matters. The Senator from Idaho has an important one. We can not give up the time necessary for unanimous-consent agreements to be continued a full week, like the last agreement for a legislative day.

Mr. WILLIAMS. Mr. President, I wish to submit a request for unanimous consent, with the permission of the Senator from Ohio.

Mr. BURTON. Certainly.

Mr. WILLIAMS. First, in explanation of it, I am certain that most if not all of to-day will be taken up with debate upon other matters. I ask unanimous consent that the two items referred to by the Senator from Missouri [Mr. STONE], when they are reached, be passed over and be taken up and proceeded with to-morrow immediately after the morning hour.

Mr. NELSON. Mr. President, I will agree to that.

Mr. CRAWFORD. That is fair.

Mr. NELSON. I will agree to it, with the understanding that we go on and consider the bill to-day and have remarks made upon it by those who desire to speak.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Mississippi [Mr. WILLIAMS]? The Chair hears none, and it is so ordered. The Senator from Ohio has the floor.

Mr. NELSON. I should like to have the request read.

The PRESIDENT pro tempore. The unanimous-consent agreement will be read by the Secretary.

The SECRETARY. It is agreed, by unanimous consent, that as the amendments recommended by the committee on pages 52 and 55 (H. R. 28180), relative to Mississippi and Missouri River improvements are reached to-day (Thursday, February 20, 1913), they will be passed over, and that on Friday, February 21, 1913, immediately upon the conclusion of the routine morning business, the amendments indicated will be taken up and disposed of on that day.

Mr. BORAH. Mr. President——

Mr. CUMMINS and other Senators. That was not the unanimous-consent agreement.

Mr. WILLIAMS. That was not my request.

Mr. CUMMINS. That was a former request.

Mr. WILLIAMS. The request is right down to a point which I will indicate if it may be handed to me.

Mr. BURTON. If I may suggest, it is right down to the words "disposed of on that day."

Mr. WILLIAMS. I did not say anything about being "disposed of on that day." What I said was, "and shall then be proceeded with," so as to make it the special business.

Mr. NELSON. That is satisfactory; and we will go on with the rest of the bill and the speeches to-day. That is satisfactory.

The PRESIDENT pro tempore. The unanimous-consent agreement will be again stated.

The SECRETARY. Change the end of the agreement, as before given, to read "and their consideration proceeded with."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. BURTON. Mr. President, I desire to present some general observations upon this bill and to criticize some of the specific items contained in it. The criticism rests especially upon the methods exemplified in this measure and upon some objectionable projects for which appropriations are made.

I may say in the beginning that it is very difficult to trace to anyone the blame for these conditions. I recognize the very patient work performed by the Committee on Rivers and Harbors of the House. Its chairman, especially, was untiring and faithful in the performance of his duties. The Senate committee also gave to this measure painstaking attention. But there is a pressure for river and harbor appropriations which it is almost impossible to resist. It is a part of the general extravagance in national, State, and municipal affairs which is now prevalent and which has been prevalent for many years.

The American people have been complaining of the high cost of living, and the pinch of that high cost is being felt in many if not nearly all homes. They fail to recognize that one reason for this added cost is the greater cost of government and the smaller degree of care and supervision which is given to public enterprises.

In a way we who are Senators and Representatives are compelled to yield to the demands of the people. It has been a matter of experience that if any project is brought here, however wasteful, however objectionable it may be, is sought to be included in a river and harbor bill, eventually it is almost certain that an appropriation will be secured. If delegations from chambers of commerce, if resolutions of State legislatures, can not accomplish what is desired, telegrams sent in at the last moment are sufficient to cause Members to yield.

So this evil, like every other one, must be traced to the ideals and demands of the people, to the fact that there is no general public opinion which supports economy in expenditures. Thus, while we have not unduly enlarged the amount appropriated for rivers and harbors, there has been a lack of care in methods and a more grievous lack of care in the selection of projects for which we appropriate.

I will repeat, briefly, the objections which I have made to prior river and harbor bills. In the first place, the policy of dribbling appropriations, which was noticeable in 1910, still survives in this bill, and it is a glaring objection to it. The very first item in the measure before us is an appropriation for Portland Harbor. It is a necessary and important improvement. It was strongly recommended by the Engineer Corps. The cost was estimated at $360,000, with a recommendation that the whole amount should be made available in one bill. What has been done? One hundred and fifty thousand dollars is appropriated; the remaining $210,000 is left to future Congresses.

If a single contract could be made for that work not only would there be a very great saving in expense—a saving which has been estimated to range from 10 to 30 per cent in continuing contracts—but the community would know that the work would be done, and those who intend to build docks and wharves or provide shipping would know precisely what to depend upon.

There is a still worse evil in these dribbling appropriations. A small amount is apportioned in a bill to a project and is adopted without scrutiny, when if the question were placed before us of appropriating the whole amount Congress very likely would reject it. Why, in a bill a couple of years ago

there was authorized an improvement to cost $1,050,000, made up of three locks and dams, each costing $350,000. Congress appropriated $100,000—not a sufficient amount to construct either one of those locks and dams; not sufficient even to begin the work properly. I believe if we had discussed here on the floor the question of appropriating a million and fifty thousand dollars for that project, it would have been rejected by a decided vote. This is but one illustration of the general method pursued in this and other bills. We can hardly claim that we are candid with the country or fair to each other when an improvement of considerable magnitude is presented here, and we appropriate but a fraction of the total amount required for it. If that project will cost $1,050,000, to use this illustration again, why not publish to the country what we are doing? Why not provide for the whole amount at one time, instead of allowing it to go forth that we have made an appropriation of $100,000, knowing that $950,000 must follow?

So, Mr. President, for these reasons, for economy, to secure assured results, to secure that degree of scrutiny and care which is necessary, it is desirable that the continuing contract system should be adopted. I do not know how many items there are in this bill. There are, perhaps, three or four hundred. I aver with the greatest of confidence that it would be far better to pick out half of the projects and finish them. Indeed, if there are two projects of equal merit, instead of having them going on side by side and scattering appropriations over years, why not complete one, and when you are through with that take up the other, and pursue the methods which are adopted in the business world, and which every consideration of good policy suggests we should pursue here?

I will call attention to an item which came to us from the House—a little improvement in the State of Maine, one of the first half dozen. The estimate to do the work was $17,000, and it was recommended by the Engineer Corps that the whole amount be made available at one time. There was no other practical way to do the necessary work. The bill comes to us with an item of $8,500, half the amount necessary for the proposed improvement. That satisfies the community; that gives gratification, perhaps, to the Congressman from the district; but it does not accomplish what is sought. It is not in line with the policy that the Government of the United States should approve or follow.

Still another item a little further on—a proposed improvement of the Bronx River, near to the city of New York, to cost $930,000—comes to us with a recommendation that the work be done under one appropriation or authorization, so that the contractors may get their plant together and prosecute it from start to finish. What is done in this bill? One hundred and thirty thousand dollars is appropriated, without any mention whatever of the remaining $800,000, leaving that to the uncertain action of future Congresses, and compelling a very large additional cost because of this partial provision. I might set forth similar illustrations everywhere in the bill.

There is one feature of this measure which I heartily commend. In the appropriations for maintenance, for the taking care of public works, in almost every instance the recommendation of the engineers has been followed. Indeed, as regards perhaps nineteen-twentieths of the bill it might just as well have been framed at the War Department and sent here. This leads to the conclusion that perhaps at some future time Congress may see fit to appropriate a lump sum of some millions, giving that to the control of the Corps of Engineers, and enabling them to spend it where it is necessary for the maintenance of public works.

That certainly has advantages over the presentation of a bill with hundreds of items where the amounts are scattered all over the country.

Mr. NEWLANDS. Mr. President——

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

Mr. BURTON. Yes.

Mr. NEWLANDS. May I call the attention of the Senator from Ohio to the fact that I have an amendment pending providing for exactly what the Senator suggests may be desirable, the creation of an ample fund and the cooperation of the various services that relate to water and the cooperation of the various sovereigns affected, so that the jurisdiction and the powers and the moneys of all are united in a great work of river regulation and its promotion as instrumentalities of transportation? I shall hope to have the help of the Senator from Ohio in my effort to have that amendment put upon this bill.

Mr. BURTON. Mr. President, the reference that I made was to the cost of the maintenance of public works. I would not feel like going so far as to abdicate the functions of Congress relating to the selection of projects or relating to the general policy as to the amount to be expended. Perhaps at a later time I may make a few remarks on the bill of the Senator from Nevada, with which I am quite familiar. I know he has given a great deal of time and labor to it. But the central idea of his bill is to turn the whole subject over to the executive department, appropriating a lump sum for each year, and authorizing a commission or board to expend it as they choose. I should not feel like going so far.

Mr. NEWLANDS. I wish to call the attention of the Senator to the fact that the amendment provides that these plans shall be made through the cooperation of the services that are now working in a detached way in relation to our rivers, but that the plans must be approved by Congress. Of course those plans will involve a complete statement of each project and the amount necessary for the completion of that project and the installment amount that will be required during the session at which the report is made.

Mr. BURTON. I will go as far as anyone in any measure which shall secure the cooperation of the different bureaus and departments of the Government. I may, if I have time, make some reference to that subject later.

Mr. President, in making our appropriation for rivers and harbors we must recognize the changed conditions. A far greater share of the traffic of the country is now carried by the railroads than formerly. Let us take the case of the Mississippi River. Fifty years ago the lines of traffic were along that river. Freight was shipped from as far north as St. Louis, and even above, down to New Orleans, and supplies were obtained from the mouth upstream not only in the Mississippi Valley but along the Ohio River. After a time railways were constructed, which provided a new method by which traffic might be handled, some paralleling the stream and others crossing it at right angles. The general direction of traffic in that neighborhood was changed from north and south to east and west.

Then the proportion carried by the railroads has been constantly increasing. In 1871, 44 per cent of the freight shipped out of the city of St. Louis went by water. In the year 1909 that portion had dropped from 44 per cent to one-half of 1 per cent. So that the proportions in 1871 and 1909 were as 88 to 1.

Mr. President, it is useless to close our eyes to the fact that this shows that the methods of handling the traffic of the country have changed.

It is said that the reason for improving these streams is very largely the regulation of freight rates. I maintain that that is an erroneous policy. Waterways and railways alike are agencies for transportation. The question is which is the better way. The railways, built by private capital, cost money; the improvement of rivers and harbors costs money. In either case the amount expended is a charge upon the resources of the country.

The better way to regulate freight rates is by legislation, by the appointment of commissions, by the exercise of those functions which the different departments of the Government possess. Also, if the improvement of a waterway lowers freight rates in that locality, is it quite just to that greater area which is removed from that waterway? Whatever decrease must be made in charges on the railways paralleling the river or waterway must practically be made up by increased charges where waterway competition does not exist.

There has been much discussion in the German Empire on this subject, and much opposition has developed to the expenditure of the moneys of the Empire for the improvement of the River Rhine. The argument of the opposing party is that the valley of the Rhine already has a great advantage over all the rest of Germany. Eighty or ninety per cent of the manufacturing which requires heavy material is in that valley and near to the river. It is said to those in the valley: You have a great advantage already, and now by making appropriations for the Rhine we are increasing that advantage and increasing it at the expense of all the other portions of Germany.

Mr. President, within certain limits, I think it well to maintain waterways for the sake of regulating freight rates. I can not conceive of a time when the people of the country would be willing to abandon the Mississippi or the Ohio as arteries for the carrying of freight. These rivers are frequently useful also in times of congestion, when the demands upon other agencies for transportation are so great that they can not provide for the unusual demands. It is perfectly manifest, however, that you can not maintain a waterway merely for the sake of providing for emergencies, because no business will be profitable unless it can be comparatively continuous. But when you go beyond a reasonable check on high charges and extortions and make the central and guiding principle the regulation of freight rates you adopt an erroneous policy.

There are illustrations all over the country of appropriations for streams which were once most useful agencies of commerce but where now the commerce is practically nil. I beg the pardon of the Senator from Louisiana [Mr. FOSTER] for referring to one in his State. It is, however, the best illustration of this condition. I refer to the Red River. At the close of the Civil War there was a fleet gathered at Shreveport made up of most magnificent ships and suitable for carrying traffic on any river in the world. It was used for years after that for carrying to market the cotton and other products of the soil. We have expended close to $3,000,000 on that stream. But in the year 1910 what was its traffic? Leaving out timber and logs, which could be floated down the stream without improvement, the total traffic was 62 tons, and the official report gravely puts down one passenger. Sixty-two tons of traffic and one passenger! I will say for the satisfaction of the Senator from Louisiana that in the following year the traffic increased somewhat, so that the general freight, aside from logs and timber, was three or four thousand tons.

Mr. SHEPPARD. Mr. President——

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

Mr. BURTON. I do.

Mr. SHEPPARD. As a matter of fact, the Red River is not in a condition to be navigated.

Mr. BURTON. I fear, according to the statement which the Senator from Texas made, that it never can be put in a condition for navigation.

Mr. SHEPPARD. It is an injustice to say that no traffic is carried on the river now and that for that reason it ought not to be improved.

Mr. BURTON. Does the Senator from Texas maintain that it has deteriorated, after the $3,000,000 spent on improvements, from what it was in its natural state?

Mr. SHEPPARD. The $3,000,000 have not been expended in such a way as to improve it materially. It is an instance of the dribbling appropriations the Senator spoke of a while ago. We have appropriated only $100,000 or $200,000 a year, and the money has been almost wasted, so far as any results as to navigable condition are concerned.

Mr. BURTON. I can not agree with that conclusion. The money has been appropriated in a manner to produce the best results. The conclusive fact is that traffic conditions have changed. Before any considerable amount had been expended there was traffic—and great traffic—on this river, but now that $3,000,000 have been expended it has dropped so that it is practically nothing.

Take the Missouri River about the year 1857, before the expenditure of large sums of money on it. The railway trains carried their passengers to Jefferson City, and, I think, at one time, beyond; and from there they were carried by boat to Kansas City. It was the regular medium by which passengers were carried. But to-day, after more than $10,000,000 have been expended, the traffic has almost disappeared; it is mostly sand and gravel, which is carried a mile or so.

I have already referred to the Mississippi River above and below St. Louis, showing that this great city, the largest on the Mississippi River, formerly sent 44 per cent of its traffic by river, but now only one-half of 1 per cent.

It is not necessary for me to go into the question of the advantages of the railways. They have advantages which the waterways do not possess. They can reach any part of the country. Their field is the United States, so far as distribution is concerned. If an article of freight is shipped from New York, it can go by rail to any town of importance anywhere in the country, but if that freight is shipped by water it is limited to the wharfs and landings on that stream or its connecting waters. If you transfer it from water to rail transportation, the cost of transfer is usually so considerable that any saving in expense is entirely offset. Again, in the case of factories and warehouses, it is possible to construct railway switches to the very door. Thus the wider area of distribution, the greater ease of reaching the place where freight is consumed and from which it is shipped, have given an advantage to the railways which is inevitable. On the other hand, there have been means, which you may call artificial in their nature, such as lowering rates when there is water competition, by which the waterways have been driven out of business. So far as legislation can be enacted to prevent discrimination against river transportation, laws should be adopted by Congress.

The commission of which the Senator from North Carolina [Mr. SIMMONS] and myself were members reported a few years ago a bill which provided that where the rate was lowered on railways competing with waterways and was afterwards raised, they should be compelled to show that that lowering and subsequent raising was due to some cause other than an effort to eliminate competition. That bill became a law, and in some localities in the country it has brought very material benefits.

There is one other point in these bills to which I wish to call attention. This is the constant tendency to make them mere vehicles for appropriating money for the benefit of private property. The river and harbor bill every year should be confined most carefully to the one vital object of navigation, nor should any proposition be presented to us under the guise of an improvement for navigation which has as its ulterior purpose the preservation of property.

Perhaps in the discussion which may occur to-morrow I shall wish to say something about the levees on the Mississippi River. There is a dangerous tendency to appropriate large sums of money where the real object is not to benefit navigation but to improve the abutting property.

Mr. President, in this great developing country we must make provision for all uses of water and for its control; we must make provision for protection against floods; we must provide against the washing away of the soil by erosion or otherwise; we must provide for clarifying water so that it may not be a menace to health; we must provide for irrigation, where that is possible. We must take up the subject which I think is of pressing and, I may almost say, of supreme importance—the utilization of water power.

All these must be carried along together under one great comprehensive plan, in which expense shall be apportioned according to benefits. If the improvement benefits a city in its water supply or health conditions, that city should pay its share of the expense. If the improvement benefits navigation, the Federal Government should pay its share of the expense. If it prevents a farm from being washed away or overflowed, the farmer should pay his reasonable share of the expense. We shall never reach a just and rational policy until an apportionment is made in that manner.

People oftentimes complain, "Why have not larger appropriations been made?" Mr. President, it is because of the feeling on the part of so many that these appropriations were injudicious and that they were devoted to purposes which were not national in their scope. Once make this a great problem, in which Nation and State and municipality and private individual shall join, then I will cooperate with anyone in making liberal provision for the development of this country along the line of controlling rivers and utilizing them for beneficial purposes.

The policy prevailed from the year 1896 to 1909, during which time I had the honor of being connected with the Committee on Rivers and Harbors. We recognized that the improvement of many of these rivers would confer benefits which were problematical; that it was a question whether or not they would be beneficial. Numerous plans have been presented for taking up and improving all the rivers of the country under one comprehensive plan.

Mr. President, I fear it will be a long time before Congress will commit itself to this. One of the first things we should do is to adjust the relation of the waterways and the railways so that they may work in cooperation. Another thing is to try out this problem and see whether or not the improvement of a river is going to produce traffic; whether or not it is going to be a profitable expenditure of money.

I am perfectly willing to take the obloquy of having opposed a great many of these projects which I was satisfied could not be profitably undertaken. Congress should select a sufficient number for the purpose of navigation alone and study the results. As I said here three years ago, there are two projects in this country which will determine whether great inland waterways can be profitably improved on a large scale.

One is the barge canal from Lake Erie to the Hudson River and thence by the Hudson to the ocean. That has been undertaken by the State of New York at an expense originally computed to be $101,000,000. I regard that, Mr. President, as by far the most promising project on a large scale in the United States, because it connects the vast area of manufacturing and agricultural territory tributary to the Great Lakes with the eastern seaboard. It also gives a return route for the merchandise of New York City and for all the varied products that are landed on the seacoast to be transported into the interior. If that will not succeed, no great project can succeed. It is nearing completion, and we all feel a natural curiosity to know what measure of success it will attain.

The other most promising project in the country is the Ohio River, extending from Pittsburgh to its mouth, at Cairo, about 960 miles. At the head of that river are enormous supplies of coal, great manufactories of iron; also near its head are great quantities of sand and clay suitable for the manufacture of glass and of brick. Below is a great area, not only on the Ohio

River, but on the Mississippi as well, now only scantily supplied with those articles. On the lower portion farm products are raised, which are consumed on a great scale, and also many raw materials which can be manufactured in the upper portion.

A great deal of skepticism prevailed as to the adoption of this project when it was commenced. I myself shared the doubt whether this would prove a profitable investment. We have now commenced it and promised to finish it at an early day, however, and it is desirable to rush it to completion. Below Cairo, in the Mississippi, there is a depth of 9½ feet at all times, and above the mouth of the Ohio there is a depth of 8 feet up to St. Louis, with a contiguous territory which affords a splendid market for all the varied products of the upper river and its tributaries, the Monongahela and the Allegheny.

Until we have tried those two projects we are groping in the dark in improving other large streams which promise far less. Yet we are going ahead and appropriating money when we are wholly uncertain whether the result will be failure or success. I do not mean to say, however, that a moderate amount of navigation ought not to be provided for on all these larger streams; but if the plan is to improve them on a grand scale at the expense of tens of millions of dollars, I insist that we are taking a leap in the dark, without knowing whether or not our money will be wasted.

We are in the midst of a period of startling changes in our whole industrial life, especially as it relates to methods of transportation; and while I can not expect my voice will always be heard in opposition to these great projects which promise so little, I feel that I should be doing less than my duty to the Senate if I did not say here that adopting these projects at this time is a most dangerous policy until we at least know something more of the results which can be accomplished.

Mr. President, I wish to file as part of my remarks a copy of the report made by me from the Rivers and Harbors Committee of the other House in the year 1907, and to have it printed in the RECORD, as I do not want to detain the Senate by reading it.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, permission to do so is granted.

The report referred to is as follows:

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, submitted the following report (to accompany H. R. 24991):

The Committee on Rivers and Harbors, having had under consideration House bill 24991, files the same and respectfully reports thereon, recommending that the bill do pass.

The measure carries in cash appropriations $35,181,612 and in authorizations for expenditures under continuing contract appropriations which may hereafter be made a further sum of $48,634,526.

The following statement gives the amounts of appropriations and authorizations in recent river and harbor bills:

Year.	Cash.	Authorized.	Total.
1896	$12,659,550.00	$59,616,404.91	$72,275,954.91
1899	16,091,841.94	23,866,324.13	39,958,166.07
1902	26,771,442.00	38,336,160.00	65,107,602.00
1905	18,181,875.41	17,184,657.63	35,366,533.04
1907 (as reported by Committee on Rivers and Harbors)	35,181,612.00	48,634,526.00	83,816,138.00

The aggregate of appropriations and authorizations is larger than in any preceding river and harbor bill, although the act of June, 1896, contained a larger amount of authorizations. There are several distinctive features in this bill:

1. Provision is made for completion in a much larger proportion of the projects than in any preceding measure.

2. The total amount necessary to complete the unfinished improvements, which the committee regards as most important, is provided by appropriation or authorization if completion can reasonably be expected within four years from July 1, 1907. Also upon large projects, where the amount required to finish the work is necessarily indeterminate, such as in the three divisions of the Mississippi River, provision is made for an equal time.

3. New projects are not adopted unless provision is made for completion.

4. In the case of rivers and harbors of secondary importance a somewhat larger amount than in former acts is appropriated for a considerable number of the most promising improvements.

In providing for the completion of new projects a radical departure from former methods has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception. It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the completion of the improvement. More substantial benefit will be conferred by selecting the most deserving projects and avoiding the scattering of appropriations. The expense for each improvement will be very much diminished, because work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both.

Sixty-eight million seven hundred and seventeen thousand three hundred and ninety-eight dollars of the amounts included in the bill are for improvements of considerable magnitude already undertaken by the Government or for further improvements in connection therewith, where increased traffic requires additional facilities.

The following is a list of appropriations and authorizations of this kind in which a division is made into two classes: First, those aggregating $1,000,000 or more; second, those aggregating $200,000 or more, but less than $1,000,000:

First class—$1,000,000 or more.

	Cash.	Authorization continuing contract.
Harbor at Boston, 35-foot channel (to complete)	$500,000	$3,894,000
Harbor of New York, Ambrose channel (to complete)		1,148,510
Black Rock Harbor and Channel	1,000,000	1,000,000
Delaware River below Philadelphia (to complete)	895,000	500,000
Patapsco River and channel to Baltimore (to complete)	500,000	1,715,000
Channel from deep water in Hampton Roads to Norfolk	282,000	850,000
Savannah Harbor	300,000	700,000
Black Warrior, Warrior, and Tombigbee Rivers	350,000	1,842,000
Southwest Pass, Mississippi River, below New Orleans (to complete)	1,000,000	1,500,000
Galveston Harbor	300,000	700,000
Cleveland Harbor	223,000	900,000
Lock and Dam No. 26, Ohio River (to complete)	265,000	800,000
Ohio River, general improvement and completing unfinished work on locks and dams	1,458,966	1,500,000
St. Marys River at the Falls, additional lock and duplicate canal (to complete)	1,200,000	5,000,000
Detroit River, alternative channel (to complete)	2,000,000	4,670,950
Mississippi, from head of passes to mouth of Ohio River	3,000,000	6,000,000
Mississippi River, between Ohio and Missouri Rivers	250,000	750,000
Mississippi River, between the Missouri River and Minneapolis	500,000	1,500,000
Mouth of Columbia River, Wash. and Oreg. (to complete)	750,244	1,700,000
Total	14,774,210	36,670,460

Total of appropriations and authorizations, $51,444,670.

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000.

	Cash.	Authorization continuing contract.
Massachusetts:		
New Bedford	$100,000	$200,000
Sandy Bay, harbor of refuge	100,000	100,000
Rhode Island: Newport (to complete)	85,000	165,900
Connecticut:		
New Haven breakwater	100,000	150,000
Bridgeport Harbor (to complete)	113,000	350,000
New York:		
Oswego Harbor	100,000	100,000
East River and Hell Gate	250,000	
Hudson River	250,000	
Buffalo Harbor	583,436	
New Jersey: Newark Bay and Passaic River to Newark	200,000	650,000
Pennsylvania:		
Monongahela River, Dam No. 5 (to complete)	256,042	500,000
Allegheny River, dam at Springdale, repairs (to complete)	200,000	
Washington, D. C.: Potomac River at Washington	258,000	
North Carolina: Cape Fear River at and below Wilmington	165,000	250,000
Georgia: Brunswick Harbor (to complete)	146,650	350,000
Florida:		
Biscayne Bay (conditional—to complete)	100,000	146,000
Key West	200,000	
Alabama:		
Mobile	200,000	360,000
Alabama River	200,000	
Mississippi: Pascagoula River	200,000	
Louisiana: Red River, Louisiana, Arkansas, Texas, and Oklahoma	250,000	
Texas:		
Sabine Pass	160,000	200,000
Aransas Pass and Bay	200,000	290,000
Galveston ship channel and Buffalo Bayou	200,000	200,000
Brazos River, from Old Washington to Waco	75,000	150,000
Trinity River	75,000	300,000
Arkansas: Ouachita and Black Rivers, Arkansas and Louisiana	140,780	200,000
Tennessee:		
Cumberland River, Tennessee and Kentucky above Nashville (to complete part recommended)	150,000	400,000
Tennessee River, Chattanooga, Tenn., to Riverton, Ala	467,970	213,000
Kentucky: Kentucky River	100,000	420,000
Michigan:		
Ludington Harbor (to complete)	100,000	739,087
Detroit River (old project)	150,000	150,000
Wisconsin:		
Milwaukee Harbor (to complete)	200,000	392,000
Manitowoc Harbor (to complete)	100,000	276,000
Minnesota: Duluth, Minn., and Superior, Wis	525,000	
Illinois: Chicago Harbor (to complete)	250,000	
Missouri:		
Osage River (to complete)	78,000	160,000
Missouri River (general improvement)	300,000	
California:		
San Luis Obispo Harbor (to complete)	63,660	200,000
Oakland Harbor (to complete)	68,203	300,000

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000—Continued.

	Cash.	Authorization continuing contract.
Oregon:		
Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.	$100,000	$500,000
Columbia and Lower Willamette Rivers below Portland, Oreg.	300,000	
Washington: Grays Harbor and Bar entrance	200,000	400,000
Hawaiian Islands: Honolulu Harbor	200,000	200,000
Total	8,260,741	9,011,987

Total of appropriations and authorizations, $17,272,728.

Total of appropriations and authorizations, pending improvements, $200,000 to $1,000,000, inclusive	$17,272,728
Add total of appropriations or authorizations for pending improvements in amounts of $1,000,000 or more	51,444,670
Total	68,717,398

The following is a list of appropriations made for improvements which may be designated as new projects, although some of them are closely connected with or extensions of projects already adopted. For all of these an amount sufficient for completion has been appropriated or authorized:

Project.	Appropriations, cash.	Expenditures authorized, continuing contracts.
Maine:		
Cape Porpoise Harbor	$46,000	
Penobscot River	130,000	
Kennebec River	75,000	$200,000
Massachusetts:		
Beverly	38,500	
Dorchester Bay and Neponset River	125,233	
Connecticut: Norwalk and East and South Norwalk	63,500	
New York: Coney Island Channel	188,300	
New Jersey:		
Cold Spring Inlet, Cape May	311,000	900,000
Perriwig Bar, Delaware River, between Trenton and Bordentown	50,000	
Salem River	29,000	
Cohansey River	55,800	
Delaware:		
Broadkill River	33,330	
Maryland: Crisfield Harbor	37,707	
North Carolina: Meherrin River, from the mouth thereof to the town of Murfreesboro	6,000	
Florida:		
Fernandina	115,000	
Withlacoochee River	65,400	150,000
Alabama: Conecuh River	31,000	
Mississippi:		
Wolf and Jordan Rivers	30,000	
Big Sunflower	100,000	
Louisiana: Inland waterway	89,292	200,000
Texas:		
Intercoastal waterway	133,829	300,000
Sulphur River	36,000	
Tennessee: Caney Fork River	3,000	
Wisconsin: Two Rivers Harbor	90,000	
Alaska: St. Michael Canal	98,000	150,000
Hawaiian Islands: Hilo Harbor	200,000	200,000
Porto Rico: San Juan	157,500	600,000
Total	2,338,391	2,700,000

Total new projects, $5,038,391.

SUMMARY.

Total appropriations and authorizations for existing projects in amounts of $200,000 or more	$68,717,398
Total appropriations and authorizations for new projects	5,038,391
Total	73,755,789

The balance of $10,060,349 is made up of a variety of items, including $300,000, the usual appropriation for examinations and surveys; an emergency fund of $300,000; an appropriation of $190,000, part of which is conditional, for the survey of a deep waterway from St. Louis to the Gulf. This balance also includes appropriations for the maintenance and extension of various rivers and harbors, the amounts for which are not included in the above lists, including approximately 300 projects already under improvement, and upon which appropriations have heretofore been made.

In the discussion of the river and harbor bill of 1902 attention was called to a popular misapprehension to the effect that a very large amount of money was appropriated for rivers and creeks of trivial importance, and it was shown that the total amount appropriated in the act of that year for streams having a tonnage of less than 100,000 tons, or a traffic of a value less than $1,000,000, was $417,000.

It is impossible to make an accurate comparison of such appropriations in the act of 1902 with those recommended in this bill. Some streams on which no considerable traffic has yet developed are appropriated for, with the expectation that traffic may follow the improvement of these channels. The actual appropriations for the smaller streams already under improvement in which no considerable additions are contemplated are, however, approximately the same as in the bill of 1902, or somewhat less than half a million of dollars.

In many instances a comparison shows that the traffic upon this class of streams has greatly increased since 1902, while in other cases the amount has remained stationary or even diminished.

While doubts have been expressed of the propriety of improving waterways of mere local importance at national expense, it must be conceded that if there is a comparison between appropriations and benefits the provision made for many of them is as beneficial as any appropriations in the bill. In this list may be included, with the amount or value of traffic and the amount herein appropriated, the following:

Project.	Appropriation.	Annual tonnage carried.
Thames River, Conn	$30,000	446,004
Bronx River and East Chester, consolidated	29,000	387,368
Mantua Creek, N. J	34,450	136,105
Raccoon Creek, N. J	15,000	263,317
Smyrna River (Duck Creek), Del	2,000	204,731
Nanticoke River, Del. and Md	2,000	121,769
Neuse and Trent Rivers, N. C	30,000	731,534
Waccamaw River, N. C. and S. C	20,000	207,630
St. Johns River, Fla., above Jacksonville	25,000	269,610
White River, Ark	30,000	100,083
French Broad and Little Pigeon Rivers, Tenn	2,000	188,700
Petaluma Creek and Napa River, Cal	23,239	404,983
Okanogan and Pend Oreille Rivers, Wash	20,000	55,917

Liberal provision is made for the prosecution or completion of improvements in a considerable number of rivers or harbors of secondary importance, and in cases where satisfactory results are anticipated substantial additions have been made to the average of prior appropriations. Among improvements of this class are:

Project.	Appropriations, cash.	Expenditures authorized, continuing contracts.
Rhode Island: Pawtucket River (conditional)	$138,584	
Connecticut: Thames River	30,000	
New York:		
Bronx River and East Chester Creek	29,000	
Ogdensburg Harbor	75,000	
Delaware: Mispillion River	40,000	
Virginia: Rappahannock River	77,729	$90,000
South Carolina: Santee, Wateree, and Congaree Rivers and Estherville-Minim Creek Canal	150,000	
Georgia:		
Oconee, Altamaha, and Ocmulgee rivers	60,000	
Chattahoochee River, Ga. and Ala., below Columbus	150,000	
Florida:		
East Pass and Carabelle	60,000	
Apalachicola Bay	85,000	
Manatee River	70,710	
Louisiana: Bayou Teche	130,000	
Texas: Brazos River, from Velasco to Old Washington	75,000	
Tennessee: Tennessee River, above Chattanooga, and Little Tennessee River	105,000	
Michigan:		
Holland Harbor	138,452	
Grand River	88,000	
Wisconsin: Two Rivers Harbor	90,000	
Minnesota: Red River of the North, Minn. and N. Dak	15,000	
California: Sacramento and Feather Rivers	50,000	
Washington: Columbia River and tributaries above the mouth of Snake River	120,000	

Mr. BURTON. I have asked for the insertion of this report, Mr. President, because in my judgment it sets forth the policy which should properly govern our river and harbor work. Several distinctive features marked the bill on which the report was made. In most of the appropriations provision was made for completion, but we could hardly expect to provide for the completion of a great project such as the Mississippi River in one bill. We did, however, provide for the completion of the improvement of New York Harbor, the great channel to the sea; Boston Harbor; Black Rock, the entrance to the barge canal; the Delaware River to Philadelphia; the Patapsco River below Baltimore; the channel to deep water from Hampton Roads for Norfolk; Savannah Harbor; the Southwest Pass of the Mississippi River for all the improvements that were then before us; Galveston Harbor, not entirely, but for substantial progress upon the improvement then contemplated; Cleveland Harbor; the Detroit River; and the locks in the St. Marys River—those were regarded as at the forefront—New York, Boston, New Orleans, Philadelphia, Baltimore, and the larger cities, together with these interior channels. These were selected from among all the improvements in the country.

When it was introduced in the House that bill carried the sum of $83,816,000 in appropriations, and the authorizations contained therein showed that the committee did not hesitate to recommend the expenditure of large amounts. They regarded it as perfectly proper to make the appropriations large, provided results were obtained.

New projects, as a rule, were not commenced unless there was a provision for their completion. Old projects of lesser importance were prosecuted to completion as nearly as that was feasible. I sincerely regret that since that time this policy has been succeeded by more numerous and scattered appropria-

tions, including almost every congressional district where there is a channel or harbor to improve, often commencing with one-tenth of the amount ultimately desired. I trust that, on further consideration of the subject, Congress may yet go back to that plan, which, after 10 years of labor, was judged to be the best method. It was by no means an easy task to stand up against all these varied demands throughout the United States; it was by no means easy to handle all the projects on the lists that had been before commenced and partially completed.

In referring to some injudicious appropriations which have been made from time to time, I have prepared a little statement, Mr. President, in which there is a comparison between the Missouri River on the one hand and the Delaware River on the other, showing that, approximately, an equal amount has been expended on the two rivers. The traffic on the one is 370,011 tons, of the value of $1,082,415; the traffic on the other is 27,260,019 tons, of the value of $1,218,016,813; showing that, with practically equal appropriations, the traffic on the Delaware is 74 times as great as that on the Missouri and its value is approximately 1,200 times as great. I have here also a comparison of the Red River with six other rivers, and I will ask the consent of the Senate to have these two statements printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The statements referred to are as follows:

Missouri River compared with the Delaware River, sea to Trenton, N. J.

MISSOURI RIVER.

To complete	(and more)	$17,600,000
Expended		18,691,432
Appropriated		2,325,000
Traffic		370,011
Value		1,082,415

DELAWARE, SEA TO TRENTON.

To complete	8,120,000
Expended	17,189,000
Appropriated	1,884,000
Traffic	27,260,019
Value	1,218,016,813

Perhaps no comparison of the cost and results of improving streams is more surprising than a comparison of the Missouri and Delaware Rivers. The amounts already expended on these two rivers are approximately the same. It is estimated that it will cost about twice as much to finish the improvement of the Missouri as for the Delaware. The appropriation for the Missouri is somewhat in excess of that for the Delaware.

River.	To complete.	Expended.	Appropriated.	Traffic.	Value.
Red	.....	$3,115,377	$177,000	$51,762	$371,090
Penobscot	.....	506,300	.....	655,204	11,000,000
Mystic	.....	292,000	25,000	3,606,670	17,181,500
Pawtucket	.....	546,584	.....	508,025	6,380,722
Anacostia	$518,062	787,000	75,000	345,347	31,567,750
Sacramento and Feather	.....	1,092,000	.....	505,285	32,000,000
Combined	.....	3,223,884	100,000	5,620,531	98,029,972

The futility of trying to create commerce by the improvement of a river where commerce does not exist is nowhere better illustrated than by comparing the results on the Red River with those of six other rivers, the cost of improving which combined is substantially equal to the cost of improving the Red River. These rivers are the Penobscot, Mystic, Pawtucket, Anacostia, and Sacramento and Feather. The cost of the improvement in each instance is somewhat over $3,000,000. The traffic on the Red River, which is practically confined to the region of its mouth, was by the last report 51,762 tons, having a value of $371,190. The combined traffic of the rivers mentioned was 5,620,531 tons, having a value of $98,129,972. It will be seen that the combined traffic on the rivers mentioned was 108 times as great as that on the Red River and its value 264 times as great.

From this it would appear that one cent spent on the rivers named has produced far greater results than a dollar spent on the Red River.

Mr. BURTON. Generally speaking, Mr. President, improvement of harbors has brought far more salutary and profitable results than the improvement of rivers. Indeed, in looking over this bill I can find very little to criticize in the selection of harbors for improvement. Nearly all of them will develop a very considerable traffic and will make it possible to ship more profitably both abroad and to other portions of our country the products of the United States.

It is for the most part in the improvement of the rivers that we notice the waste. I want to call attention to-day to one line of appropriations for rivers where there has been an exceptional waste—that is, in the expenditures for locks and dams. According to the engineers' report the total expenditure on rivers and harbors for 27 years, from 1886 to 1912, inclusive, was $529,583,000. Of that amount there has been expended for the construction of locks and dams $112,349,000. In addition to this $102,870,000 is required to complete locks and dams now under way. Some of these have been extremely helpful, but they are exceptional in their nature. One which stands out in a class by itself is the lock and dam in St. Marys River between Lake Huron and Lake Superior. Through this lock is carried the iron ore from the mines of Minnesota and Wisconsin. A large quantity of grain also goes down, and also a very large quantity of coal is carried on the return trip. The total amount expended on this improvement to date is $12,932,822. A further amount of $4,950,000 is required.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. NELSON. The remarks of the Senator are extremely interesting, and I wish to ask him if he has the figures of the tonnage that passes through?

Mr. BURTON. Yes, I have; and I will give them in a moment.

Mr. NELSON. Very well.

Mr. BURTON. The tonnage that passed through that lock or those locks for the last year—for there are more than one—was 26,237,785 tons, a traffic far beyond that of the Suez Canal in volume, though, of course, not as great in value. The Canadian lock on the other or northerly side of the river gave passage, as I recall it, to an almost equal amount.

In order that I may not be misunderstood, I wish to say that it is very difficult to compare the Suez Canal with the St. Marys Canal, because at the latter the actual number of tons carried is counted, while at the Suez Canal it is the net tonnage of the boats going through upon which computation is made; but, after making allowance for any discrepancy or inaccuracy, the traffic through the canal in the St. Marys River is undoubtedly far greater than that through the Suez Canal.

What does this improvement illustrate? It illustrates that the most favorable place for the location of a canal, with or without locks and dams, is between two great bodies of water where there is a natural barrier between them, comparatively short in length or breadth, like an isthmus, by piercing which you can bring two great systems of waterways together. A most notable example is the Suez Canal, connecting the Mediterranean and the Red Seas and, of course, other waters; another example is the Panama Canal and also the canal at Corinth. If a judicious selection is made, that is a profitable kind of a canal to construct. Money expended by the Government in St. Marys River has been as useful as that invested in any river and harbor improvement since the formation of the Government.

There is another exceptional case; that is the Ohio River, which I have already mentioned. There is a traffic of about 12,000,000 tons every year on that river. Before the construction of locks and dams there was navigation for a varying period during the year, and the construction of locks and dams will make it possible to utilize the river during the entire year, except when it is closed by ice, for an average not to exceed two months during the year.

There is another river where locks and dams have been required, and that is the Monongahela. There an exceptional condition exists. That river, with the Allegheny, forms the Ohio River. Pittsburgh, with its environs, is perhaps the greatest center in the world for the manufacture of iron and steel, and for the purposes of that industry it is necessary to have a vast quantity of coal. Coal mines originally existed right down to the very edge of the stream. Now it is necessary to go inland for some distance to obtain coal, but they are able to carry that coal by water from the mines to the mills at Pittsburgh and to those on the Monongahela and near by on the Ohio at a cheaper rate of transportation than prevails for carrying coal anywhere else in the world. In a hearing some years ago before the Rivers and Harbors Committee of the House it was estimated that the total cost of carrying a ton of coal on this river to the mills was not more than 15 cents per ton, and, as a result, a traffic has been built up there which last year amounted to 10,740,040 tons.

The Big Kanawha is another illustration. There an expense of $4,233,000 has been incurred, and a traffic developed amounting to 1,392,000 tons last year. Of course, the results shown here are not nearly so great as in the other cases.

The Alleghany furnishes still another illustration. I think it is somewhat doubtful whether that project will develop such gratifying results as in the other cases. The traffic there is about the same in tonnage as on the Kanawha, or about one million three or four hundred thousand tons.

There is one river or bayou in the South which has been improved at very considerable expense—the Bayou Teche—which shows the effects of canalization. It has been canalized at an expense of about $400,000. There exists on it a traffic of about 800,000 tons of very valuable material.

Mr. President, I have shown thus far the bright side of the picture. But when you go beyond the improvements I have named it is very difficult to find a single case in the United States where in the construction of locks and dams the benefits have been commensurate with the cost. I want to call attention to one project which was, I am inclined to think, a heritage from previous Congresses of the day when most of us here first came to Washington, and that is the Illinois and Mississippi Canal in the State of Illinois.

Mr. NELSON. Mr. President, does the Senator mean what is called the Hennepin Canal?

Mr. BURTON. The Hennepin Canal; yes. Father Hennepin was a great and good man, but his name bears a grave responsibility in that this canal was called after him. When it was first projected Members of Congress were elected in Iowa and Illinois because of their advocacy of it. The men who argued the loudest for the Hennepin Canal won the favor of the people. They came here to Washington even after the canal was under way and showed how the grain of Iowa, the grain of Minnesota, and the grain of Illinois would be carried through the Hennepin Canal to Chicago and shipped out from that city. They did not stop short of saying that the prices of flour and of food would thereby be lowered in many States. We have expended in the original construction of that canal the sum of $7,646,746. The expenses of operation last year were $188,000, and the previous year they were $197,000. In this connection I want to say that the cost of the canals I have mentioned does not include annual maintenance charges. The annual cost of care and maintenance is paid out of the Treasury without any action by Congress under the act of 1884, which makes care and maintenance a charge directly by a warrant on the Treasury.

To revert to the Hennepin Canal, let us see what amount of tonnage they have there. I should almost like to ask the Senator from Iowa if any of the products of his State go through this canal; but whether they do or not, we used to be able——

Mr. KENYON. I will say to the Senator that I am sure they do not.

Mr. BURTON. Thank you. Now, let us see the result. What was the traffic on that whole canal? The original cost was $7,646,000, to which we must add a maintenance charge of about $190,000 a year. The traffic through it last year was 37,641 tons. The annual cost of maintenance, leaving out the interest on the original cost, is $5 a ton; more than enough, probably, to take the freight and ship it to New York City from any part of that region.

There is one illustration here that shows the real amount of freight traffic on that canal. At Lock No. 37 the passage of freight of a commercial nature was 50 tons up and 16 tons down, a total of 66 tons. The Government tonnage for maintenance was 4,286 tons up and 699 tons down. I suppose that was for carrying gravel and other material necessary for revetting and protecting the banks. For 62 tons of commercial traffic it was necessary to carry through that lock 4,985 tons of material, or 65 tons of material to 1 ton of commerce.

Mr. President, I think that is carrying to an extreme the policy of constructing locks and dams. Yet I am not sure that this case is any worse than some of the rest. Even when it required only about half a million dollars to complete the Hennepin Canal, after $7,000,000 had been expended, the Rivers and Harbors Committee of the House hesitated a long while as to whether or not they would finish the project. But it was thought that such a stupendous public work having been undertaken, and over $7,000,000 having been paid out, it would not be businesslike to leave it undone simply for $500,000. If it had come to us as an original proposition, however, I am quite sure we would not have recommended this $500,000.

Mr. KENYON. Is the Senator from Ohio also familiar with what is known as the Fever River project in northern Illinois, where a large sum of money was expended to make the Fever River navigable?

Mr. BURTON. The Fever River?

Mr. KENYON. It never has been navigable for anything except naphtha launches on moonlight evenings, so far as I am aware.

Mr. BURTON. I do not think that stream has been improved by the Government. The Senator does not mean the Galena River?

Mr. KENYON. Possibly it is the Galena River.

Mr. BURTON. Or the Rock River.

Mr. KENYON. I understand, however, it is the Fever River.

Mr. BURTON. Is it a tributary of the Illinois River?

Mr. KENYON. Yes.

Mr. BURTON. That is improved in connection with the Hennepin Canal, I take it.

At the Big Sandy River five locks and dams have been constructed at a cost of $1,700,000. The amount necessary to complete them would be $3,555,000, requiring in all 21 locks and dams. I congratulate the Senate that this item does not appear in this bill, and I believe it was not in the last bill. In the years along from 1899 to 1907 it was almost always the last item in controversy between the House and the Senate. In one or two instances it stood for hours in the way of agreement. Appropriations were demanded, however, until there was a total cost of $1,700,000, and five blocks were completed.

It was argued that this improvement would bring to market one of the finest coal supplies in the world. I may remark incidentally that several members of the Rivers and Harbors Committee received letters telling them that the purchase of coal lands on the Big Sandy or its tributaries would be an exceedingly profitable investment, as the Government was contemplating its improvement. While I am very sure none of the Members purchased, the project was advocated with a great deal of earnestness.

What was the result? Last year 545 tons of coal were carried on that river; and here is an excerpt from the engineers' report:

> So far the improvement is reached by one coal mine, which ships principally by rail. Few, if any, of the coal mines lie in such position that the coal can be readily placed on barges.

A survey was ordered last year; and it is quite likely that this old friend will appear again at some other time, but I trust no appropriation will be made for it.

The amount of traffic was materially greater on this river before a single lock or dam was built.

I might multiply indefinitely these instances of improvements by locks and dams. Several years ago I called attention to the Kentucky River as one of the very best object lessons on the subject. That river has been improved at a cost of $4,113,500, with a cost for operation of $2,204,000, since it was acquired by the Government and work undertaken—an aggregate of $6,317,500 expended on that river. In 1889 there were 5 dams, with a traffic of 435,595 tons. In 1909, with 11 dams, there was a traffic of 422,854 tons—that is, with 11 dams as against 5 dams 20 years before, the traffic dropped off 13,000 tons. In 1911, with 11 dams, there was a traffic of only 254,721 tons—a very large drop from 1909. In 1912 there was a still further decrease in traffic, from 254,721 tons to 209,249 tons.

Thus it would seem that with 12 dams as against 5 the traffic had been more than cut in two or had fallen to less than half; and if we may judge by the past, it is only a question of the construction of a few more dams when the traffic will have entirely disappeared.

Of this amount by far the greater share—in fact, nearly all the tonnage—is logs and timbers, in the handling of which, the Engineer Corps say, locks and dams are a detriment rather than an advantage—a detriment to the logs because the locks interfere with their free course; an injury to the locks and dams because there is constant danger of the logs colliding with them, or in some way injuring the machinery by running against it.

I might mention also the Green River in that State, the Barren River, and others in great variety.

The Black Warrior River has cost the Government about $7,327,795, with a further cost yet to complete it of $1,754,600—a total cost of about $9,000,000. That improvement, the canalizing of that river, has been advocated on the ground that it would bring the coal fields of northern Alabama to the Gulf; that at Mobile there is a great demand for coal, which must be brought by boat from other places, while in the upper reach of the river there are inexhaustible supplies. The improvement has been under way for nearly 20 years.

I regard that, Mr. President, as another experiment that may bring results unless some traffic can be developed in carrying that coal from the northerly end of the improvement to the southerly end. There is no similar small stream in the country the improvement of which will result in benefits anything like commensurate with the cost. As I stated, we have expended, or will expend, this $9,000,000, and I very much question whether this traffic will be developed. In the meantime the railways have been carrying the coal, I believe, for $1.25 from the headwaters of the river to New Orleans.

Another object lesson is to be found in the Tennessee River, in the lock and dam at Muscle Shoals, which is quite impressive. The cost of this improvement, which was under construction between 1875 and 1890, was $3,191,000. The cost of maintenance since that time has been $1,222,000—an aggregate of something over $4,400,000. The traffic going through that canal in 1910 was only 8,782 tons. The maintenance cost during that year was $44,069, or somewhat in excess of $5 for every ton carried. That, Mr. President, is a very violent application of

the theory that it is desirable to build locks and dams and canalize rivers for the regulation of railway freight rates.

In the case of a river and a competing railway, if that competing railway cost, say, $5,000,000, instead of canalizing the river at another expense of $5,000,000 would it not be better for the law-making power to regulate the rail rates and make them fair rather than to resort to that roundabout and wasteful method to accomplish a result that could be attained by a legislative body in a day?

There are two other streams to which I wish to refer. They are the Trinity and the Brazos Rivers, in the State of Texas.

Years ago a report was filed here regarding the canalization of the Trinity River for 511 miles, from the city of Dallas to the sea. The engineer's report—and he is really a very able man—sounded very much like the glowing prospectus of a real-estate dealer. He told of the magnificent resources in the northern part, at the head of the river, and of the timber and the stone along the central and southern portions which could be shipped up stream to northern Texas and Oklahoma. True, there was some scarcity of water, but he thought that could be amply provided for by digging artesian wells!

Congress has appropriated for that project the sum of $1,682,267. The original estimate of the cost was $4,600,000, and the dams were estimated to cost $85,000 apiece.

Mr. NELSON. There were to be 35 dams, if I may make the suggestion.

Mr. BURTON. I had understood it was 37. Was it 35?

Mr. NELSON. Thirty-five.

Mr. BURTON. It was estimated that they would cost $85,000 apiece. Not a single dam has been constructed but what has cost more than twice as much as this estimated figure. So that to complete this improvement, which the most sanguine man must say is a very doubtful experiment, would cost, in the long run, probably $10,000,000—that is, the total cost, including what we have already expended. And yet not a single dam has been put in use. Work has been done upon some six or seven of them. One has been completed; another has been practically completed; but it has been necessary to hold open the upper dam so that sewage from the city of Dallas may go through, and nobody knows whether or not there is going to be sufficient water in the upper portion of the river to supply the needs of navigation. Yet in every Congress pressure is exerted upon us for at least two more locks and dams on that river.

Mr. President, I think we should pause and examine that project. The original survey was but a reconnoissance. There were no sufficient borings. There was no sufficient examination of the quantity of water available. There were no sufficient measurements of the fall of the river. Yet we have gone on thus far with the work.

About the year 1905 the citizens of Dallas came here and said that if two or three locks and dams were built in the upper portion of the river these would make the river navigable to what is called the East Fork, 60 miles below Dallas, where an added supply of water is furnished by a tributary. They said that if we would go ahead and expend the money necessary for building those dams they would contribute to the project, and with a great deal of public spirit they did contribute, thereby showing their confidence in it. I think they contributed about $67,000. It was concluded that we would try that out and see whether with the improvement above the East Fork navigation could be provided. They claimed that with that the river would be navigable four months of the year and they could see whether or not it could be used.

But what has been done? Instead of confining attention to the upper section of 60 miles above the East Fork, dams are being scattered all along below that point, apparently with too much attention to providing one lock and dam for each congressional district.

Mr. NELSON. Mr. President, let me call the Senator's attention to the fact that in one river and harbor bill they skipped from the upper dam, to which the Senator has referred, down to Hurricane Shoals, over 200 miles away, and located a dam there. They had to build a railroad 15 miles from the dam to get material for building it; and that dam is costing, with the construction of that railroad and the other items, over $400,000.

Mr. BURTON. Yes. Mr. President, until we know the precise conditions, I think we might about as well locate these locks and dams on the bank of the river, as to put them in the stream. There never has been any accurate survey of the proposed improvements. Yet the provisions of the bill as they come to us are always "two additional locks and dams." They do not bother about finishing what is under way. One of these dams was 10 years in construction.

Mr. NELSON. Two of them.

Mr. BURTON. I stand corrected; that is right. Two of them have run on for practically 10 years without completion and without utilization. Throw away results, throw away assurance that it will do any good, but in every bill provide for two additional locks and dams on this river.

Mr. President, I most confidently aver that this and other projects should be reviewed. For example, by a Senate amendment we have provided in this bill for an instrumental survey in the Brazos River, which was recommended by the engineer officers years ago.

Again, the Brazos River does not show very much better prospects than the Trinity. I regret to say anything that can in any way be regarded as opposing the wishes of any State of the Union; but the people of the State of Texas know that wherever a project has been suggested that promised results I have stood for the most progressive policy, and for generous appropriations. But when it comes to this attempt to canalize these rivers when no man knows whether or not any good is to be accomplished when one of them stands to cost $10,000,000 before it is finished and the other probably $8,000,000, I must say that I feel like standing in the way, so far as I can, and at least uttering a note of warning that we are wasting public moneys without any prospect of securing adequate result, and without doing them one particle of good.

You can not even regulate freight rates by improving waterways unless you have water. You can not relieve congestion caused by sending unusual quantities of products to market unless you have a waterway through which you can carry those products.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. NELSON. The Senator must not forget that the engineer told us that they could pump the water right up from the Gulf of Mexico.

Mr. BURTON. He told us that. I am sure he meant that as an extreme bit of sarcasm such as we hear once in awhile. He said he had grave doubts about the water supply, and then added the engineers were told to make an instrumental survey and see whether this river could be utilized for transportation. They said we can pump water from the Gulf of Mexico. He did not think favorably of the artesian-well problem. He said that if artesian wells could be dug anywhere, the farmers in that locality needed water so much that they probably would put them on their own farms and restrict to a comparatively small area the supply that could be utilized by the Government.

Now, Mr. President, I think I have called the attention of the Senate to the worst forms of extravagance in our river and harbor appropriations. It is but a repetition for me to say what I have said on former occasions, that we should adopt the continuing-contract system in the case of both new and old improvements; that we should not undertake a project until we had the most adequate expert information in regard to it; that we should not undertake more than we can accomplish within a reasonable time. And that means to eliminate this dribbling policy of scattering appropriations all over the United States.

Again I wish to emphasize the statement that when anyone comes here with a great plan for the improvement of rivers, much as I may sympathize with it, we must recognize the experimental nature of many of these improvements.

I repeat what I have said. That does not mean you are going to abandon these great arteries. They can be used for certain purposes. But it does mean that before we go ahead and expend great sums upon them or take up all this great system of rivers we must know whether there is ever going to be any traffic upon them. Even if it is impossible to correct what seems to me to have been an error in the policy of Congress in the last two or three annual bills, I trust that we shall take up this great waterway problem and solve it in a way that will secure us against extravagance and injudicious policies and at the same time secure a maximum of benefit to the whole people.

Mr. NELSON. Mr. President, I desire to ask for a vote on the amendment on page 53. It was one of the amendments passed over last evening. I think there is no objection to it, and it is not included in the amendment that the Senator from Missouri called attention to. It is on page 53, commencing on line 6.

Mr. BURTON. That is the improvement at Minneapolis and St. Paul?

Mr. NELSON. Yes.

Mr. BURTON. I must say that I do not feel like opposing that, though I think it establishes a precedent that will come home to trouble us. It seems to me it is a stretch of Federal

power even for a person who has the most liberal ideas regarding the utilization of water power created in conjunction with works of navigation. It provides that those who rent it shall—

pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only.

I do not know but that I am intruding on the time of the Senator from Minnesota.

Mr. NELSON. Oh, no.

Mr. BURTON. That is virtually saying, then, that the Government shall spend $800,000 for the improvement of navigation and shall then add $400,000 to that.

Mr. NELSON. No; $600,000.

Mr. BURTON. Is $600,000 the last estimate?

Mr. NELSON. I mean the total cost is $640,000. That is what they pay 4 per cent on.

Mr. BURTON. That is, the Government in improving rivers for the purpose of navigation shall construct works sufficient for navigation, and then shall add on another $640,000, which conveys, of course, an indirect benefit to navigation, and then shall lease the power created to a private company for 4 per cent.

Mr. NELSON. It is not a private company. It is a public company.

Mr. BURTON. Well, private or public, in the result I fear it will make little difference, even though it is one of the best companies representing the city of Minneapolis, the city of St. Paul, and the State University of Minnesota. I most distinctly want to say that if the Senate adopts this amendment I do not wish to be bound by it as a precedent. Let it be understood that it rests on very exceptional circumstances, and is not to be accepted as declaring a general policy. I question the Federal power to do this, and it seems to me to be giving away valuable rights of the Government.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 53, after line 5, the Committee on Commerce report to insert:

The Secretary of War is hereby directed to make and enter into an agreement with the Municipal Electric Co., a public corporation organized and existing under the laws of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by the surplus waters not needed for navigation by the dam described and provided for in House Document No. 741, Sixty-first Congress, second session, as adopted by Congress in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 25, 1910. Such agreement shall provide that for the privileges secured thereby said corporation shall pay to the United States the fair and proportional cost of maintenance of said dam, lands, and appurtenant works, and also pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only: *Provided*, That no part of the cost of installation, transmission, or operation of the power plant shall be borne by the United States. Such amount shall be determined by the records in the office of the Chief of Engineers, and the said annual payments for rent and maintenance shall be made on or before the 2d day of January of each year, and the rent shall begin with the use of the power commercially by the said Municipal Electric Co., and not later than one year after said company has been notified by the Secretary of War that the water is available. The right shall be reserved to the United States and included in such contract for the United States to purchase and use such supply of said power as may be required for its own purposes on the same terms and conditions as the said power is sold or distributed to the members of said public corporation of the State of Minnesota: *Provided further*, That said corporation shall furnish free of charge to the United States such power as shall be deemed necessary, in the opinion of the Chief of Engineers, to properly operate and light such lock and dam and appurtenant works for the purposes of navigation. The right to alter, amend, or repeal is hereby expressly reserved.

Mr. KENYON. On agreeing to this amendment I will ask for the yeas and nays, but first I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa makes the point of no quorum. The roll will be called.

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

Bourne	Cullom	Lea	Root
Bradley	Cummins	Lippitt	Sheppard
Brandegee	Curtis	Lodge	Shively
Bristow	Dillingham	McCumber	Simmons
Bryan	Dixon	Martine, N. J.	Smith, Ariz.
Burton	Foster	Myers	Smith, S. C.
Catron	Gallinger	Nelson	Smoot
Chamberlain	Gamble	Newlands	Swanson
Chilton	Gardner	O'Gorman	Thomas
Clapp	Gronna	Oliver	Thornton
Clark, Wyo.	Jackson	Overman	Tillman
Clarke, Ark.	Johnson, Me.	Percy	Warren
Crane	Jones	Perkins	Webb
Crawford	Kenyon	Pittman	Williams
Culberson	Kern	Pomerene	

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present. The Senator from Iowa demands the yeas and nays on agreeing to the amendment of the committee.

Mr. THOMAS. Mr. President, before the amendment is submitted to a vote I desire to say something in opposition to it, because I think it involves to a very large extent the same conditions which were adopted by a majority of the Senate in the Connecticut River bill.

This amendment occupies two pages of the bill, pages 53 and 54.

The Secretary of War is hereby directed to make and enter into an agreement with the Municipal Electric Co., a public corporation organized and existing under the laws of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by the surplus waters not needed for navigation by the dam described and provided for in House Document No. 741, Sixty-first Congress, second session, as adopted by Congress in the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 25, 1910. Such agreement shall provide that for the privileges secured thereby said corporation shall pay to the United States the fair and proportional cost of maintenance of said dam, lands, and appurtenant works, and also pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only.

I have read enough to emphasize the principal objection I have to this amendment, which is that the Government is going to expend money, first, for navigation purposes, and next, for the improvement of the power in the stream for the benefit of the corporation which is mentioned in the amendment. I contended the other day that that was precisely what the Government really was providing for in the expenditure to be made by the corporation in that instance in the bill which we then had up for discussion.

The Senator from Ohio has just called attention and has emphasized the fact that on many of the locks and dams and much of the other improvements in the rivers of this country, which we carry on under the pretense and for the ostensible purpose of improving navigation or making the rivers more navigable, the money is really expended for the purpose of increasing and creating water power, which water power, of course, is intended to be utilized by private concerns for profit. I think that he established his contention most conclusively.

Here there is no pretense, as I read the amendment—and I may read it incorrectly—but that the Government proposes to expend a sum of money for a double purpose, one of which it has no jurisdiction over, no right to expend money for, and the other of which, of course, is within its province and authority. After the expenditure of this extra sum of money, the purpose is to authorize the Secretary of War to make a contract, the conditions of which are largely discretionary, with the Municipal Electric Co. for the use of this power, for which it is claimed the company is to pay the Government of the United States 4 per cent per annum upon the amount actually expended, and which would have been expended in the completion of the project for navigation only.

I think it was established beyond question in the debate over the other bill that the measure and the limit of the national authority over the streams of this country is found in the commerce clause of the Constitution, and that when it has exercised that authority to the extent to which it may do so its control ceases and its ownership of anything which may have been created by virtue of the improvement, whoever it may belong to, does not belong to the Government of the United States.

If the Government can in the case of the Mississippi River, under the guise of improving its navigability, expend $1,000,000 for that purpose, and at the same time expend another million for the purpose of improving water power, to be given or leased or sold to some one else, if you please, why may not that become and why will it not become one of the features of the river and harbor bills of the country? I am opposed to it. I do not think that the Senate should permit a measure of this kind to go upon the statute books. It is a bad precedent. It is one of which advantage will be taken, and, what is more, we have no right to expend public moneys for any such purpose. I therefore oppose this amendment on pages 53 and 54.

Mr. NELSON. Mr. President, it is not my purpose on this occasion, with reference to other measures pending, to enter into any academic discussion of the subject. I simply rise for the purpose of correcting some misapprehensions.

I think when the Senator from Colorado [Mr. THOMAS] understands this question fully he will see no objection to the

amendment. I will undertake to explain it in as brief a manner as possible.

First of all, I will take as my text, before I proceed, a part of a report which was made by me as chairman of a subcommittee to the full Committee on the Judiciary in reference to this water power. I take it as a preliminary text:

If for the purpose of improving the navigability of a stream carrying interstate commerce the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation.

In order that the Senate may fully understand this question, I will go on and state that the Mississippi River, after starting in Lake Itasca, flows down through the cities of St. Paul and Minneapolis. Those cities by land are about 10 miles apart, though the suburbs are fast getting close together. By the Mississippi River, from below the falls at Minneapolis down to about the center of St. Paul, the distance is between 12 and 13 miles.

The Mississippi River was originally improved for navigation purposes up to St. Paul, to what is called the Omaha Bridge. The Omaha Bridge is about the center of St. Paul.

The people of Minneapolis were very anxious to get navigation extended to the falls. As Senators well know it is one of the greatest wheat markets in the country and by all odds the greatest flour manufacturing town in the country. They were anxious to get water transportation so that they could ship flour and wheat down the Mississippi and distribute it among the towns along the river, and ship such of it as they might abroad.

The Minnesota River, a smaller stream, comes in from the west. The reach of the river from the Omaha Bridge up to the mouth of the Minnesota had a navigable depth at low-water stages of about 3½ feet and from the Minnesota River up to the falls from 2 to 2½ feet in its natural low-water state. The current above, as Senators know, is very swift and strong.

In 1894, pursuant to a Government survey that had been ordered, provision was made in the river and harbor act of that year for the building of two dams between St. Paul and Minneapolis, one 2 or 3 miles above the junction of the Minnesota River, I think, and the other 2 or 3 miles farther up. Dam No. 1, the lower one, was to have a lift of 13.3 feet. The upper dam, No. 2, was to have a lift of 13.8 feet. It was supposed when they got the two dams completed they would have a navigable channel of between 5 and 6 feet up to what is called the Washington Avenue Bridge in Minneapolis, right below the falls.

They worked under that plan and finally, in 1910, the Government engineers came to the conclusion that instead of having two dams in that reach of the river—only about 12 miles altogether—and two sets of locks, it was better to have only one, and have that higher. Senators will perceive, if you add the lift of each dam, one 13.3 feet and the other 13.8 feet, it makes a total lift of about 27 feet.

The Government in 1910 concluded to abandon one of those dams and complete the other one and make it 30 feet high. They did it for two reasons: First, it was to give a navigable channel of from 8 to 9 feet and raise a pool of water for the permanent purpose of furnishing electric power to run the gates and locks. The two smaller dams that were first planned did not have sufficent power for any purpose, and the Government engineers, after clear and careful deliberation, came to the conclusion, as I said, in 1910, to substitute one dam; that is, to take one of the smaller dams and make it a 30-foot dam. They are at work. That work is pretty nearly finished. It is expected to be finished, I think, during the present year, or nearly so. It is nearly all finished.

Now, a water power is being created incidental to this dam and, while it was built primarily for navigation, the two great cities and our State university were anxious to prevent that water power from falling into the hands of a monopoly.

There was an electric company there. A man by the name of Harries, from this city, is at the head of it. It is a General Electric company. They offered the Government, and the report shows it, $500,000 to get control of this power. Our people at St. Paul and Minneapolis and our State university, which is situated between the two, were anxious that this power plant should not fall into the hands of a monopoly. They came down here two years ago and said, "We would like to rent this surplus water power for the use of the two cities and the State university." I will say, incidentally, that the population of those cities and their suburbs is perhaps to-day over 600,000, a full quarter of the population of the entire State. We have a State university near the banks of the river in the suburbs of Minneapolis on the east side that has between 6,000 and 7,000 students. It has an agricultural school appurtenant to it, with about 1,200 students; it has a medical department and a law department, and is in all respects a full-fledged university.

As I said, two years ago representatives of the cities and the university came down here to see me about this matter. They were afraid that this private electric company would get control over it. I said to them, "There is no authority for your cities to lease this power. Go to work and get authority from your legislature and get incorporated as a municipal corporation for the purpose of getting this benefit for your State university and for the two cities."

So, Mr. President, pursuant to my suggestion and my interest in it, the Government was building the dam, and it was nearly completed. My interest was to get as much benefit as possible for those two large cities and for our State university. In 1911 our State legislature passed the law from which I shall presently read. Before doing so, however, I wish to say that under our State constitution private corporations can not be created by special act, but must be created under a general law. The general law that authorized the creation of this corporation is framed, however, in such a way that it does not fit anything but this particular case. It is not very long, and I will read it to the Senate to show how well the matter is guarded:

CHAPTER 141—S. F. NO. 496.

An act to authorize the formation of public corporations, under certain circumstances, in order to secure and provide electrical energy, at approximate cost, for cities and any State institution—

That refers to the university—

in any such city.

Be it enacted by the Legislature of the State of Minnesota:

FORMATION OF PUBLIC CORPORATIONS FOR DEVELOPMENT OF WATER POWER.

SECTION 1. Any city—

Now, listen to the language, and you who have been in the locus in quo will see how it fits:

Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply such city and any State institution therein—

That is, the university—

with such energy at approximate cost, either alone or in conjunction with an adjacent city—

That is, St. Paul—

may do so through a public corporation, formed at its request, as hereinafter provided.

ONE CITY MAY UNITE WITH ANOTHER.

SEC. 2. Any such city which may desire to avail itself of the provisions of this act shall proceed as follows:

If there is another city—

And there are two of them, called the Twin Cities—

If there is another city adjacent thereto, it shall be invited, by resolution of the legislative branch of the city first mentioned, to unite with the latter in securing the organization of such public corporation. If such adjacent city within 30 days thereafter shall, by resolution, accept such invitation, said city shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized under this act a public corporation therefor, and shall, by the same resolution, request the respective mayors or other executive heads (by whatever name known) of said cities and the president or other executive head of the governing or managing board of any State institution—

Referring again to the State university—

(or of the senior State institution, if more than one), in such cities, to proceed to form such corporation under this act.

Then it provides what steps shall be taken by one of the cities. I do not want to go into that.

Section 3 is as follows:

OFFICIALS TO MEET UPON CALL OF MAYOR.

SEC. 3. The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office—

That would be at Minneapolis, because it is the larger of the two cities—

and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section 1, and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under this act, and that the members of the corporation shall be themselves, during their respective terms of office, and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state.

Section 4 provides for the election of officers and the adoption of by-laws for the government of the corporation.

Section 5 reads as follows:

AUTHORIZED TO ACQUIRE AND DEVELOP WATER POWER.

SEC. 5. Such public corporation, when organized, shall be authorized and empowered to acquire by lease or otherwise any developed water power within or near the corporate limits of the cities whose officers are, ex officio, members of such corporation; to acquire all necessary lands, rights, and privileges, and to provide itself with a suitable hydro-electric plant, fully equipped with auxiliary power plant necessary to utilize economically said water power, and with the necessary means of distribution of the electrical energy therefrom.

The next section prescribes how the electrical energy shall be distributed. It is as follows:

DISPOSITION OF ELECTRICAL ENERGY.

SEC. 6. The electrical energy so developed shall be disposed of as follows: First, to the grantor—

That is, the United States—

from whom the water power is acquired if the contract therefor so provides; second, to any State institution in such city—

That would be our State university—

or cities desiring the same; and, third, any surplus then remaining in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city.

I call especial attention to section 7, because it shows how the charges which can be made are limited. It contains a limitation, and a very wholesome one, to the end that the people of those cities, the municipalities and the State university, may get into court. Let me read that section:

SAME RATE TO ALL PATRONS.

SEC. 7. The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor of the water power, a State institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more.

There are the emphatic words. The corporation can not charge any more than what is necessary for the purposes stated.

I have here a certified copy of the certificate of incorporation, which I shall read, and I beg Senators to listen to it. As Senators will have perceived from the reading of the act, while on its face it is a general law, and it could not be anything else under our State constitution, yet its phraseology is so framed that it could not very well fit anything but the two cities of St. Paul and Minneapolis and our State university. I will now read the certificate of incorporation:

CERTIFICATE OF INCORPORATION.

The cities of Minneapolis and St. Paul, Minn., having by resolutions of their respective legislative bodies duly expressed and declared their desire and election in accordance with the provisions of chapter 141, laws of 1911—

That is the law I have just read—

to secure for said cities and the University of Minnesota, located in said city of Minneapolis, the benefits of any water power now developed or which may hereafter be developed within or near the corporate limits of said cities, and having by said resolutions expressed their desire and election to have a public corporation organized in accordance with the provisions of said chapter 141, laws of 1911, for the purpose of acquiring any such water power and for the purpose of utilizing said water power in the creation and development of electrical energy to supply said cities and the said University of Minnesota with electrical energy at approximate cost.

Now therefore John Lind—

I presume many Senators know him for he has been governor of our State and a Representative in Congress—

Now therefore John Lind, the president of the board of regents of the University of the State of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., in accordance with the request of the legislative bodies of said cities and pursuant to chapter 141 of the laws of 1911, being "An act to authorize the formation of public corporations under certain circumstances in order to secure and provide electrical energy at approximate cost for cities and any State institution in any such city," approved April 13, 1911, and for the purpose of forming such corporation, do hereby certify as follows:

1. The name of the corporation—

The name, no doubt, may seem suspicious to some—"the Municipal Electric Co." You would probably have no idea that it was the two cities of Minneapolis and St. Paul and the State university which composed that public corporation. Many of you, no doubt, supposed it was a private corporation—

1. The name of the corporation shall be "Municipal Electric Co.," and its principal place of business shall be at the University of Minnesota.

2. The objects of this corporation and the general nature of its business shall be to acquire by lease or otherwise any developed water power within or near the corporate limits of Minneapolis or St. Paul, or either of them, and from said water power to develop electrical energy, and to distribute the electrical energy so developed to any Federal institution and to any State institution within said cities, or either of them, and to the cities of Minneapolis and St. Paul, and to that end and for that purpose to acquire all necessary lands, rights, and privileges, and to provide itself with the necessary electric plant or plants and with the necessary means of distribution of electrical energy, and to do all things necessary to carry out the purpose and object above expressed and to that end to perform all and singular the powers and duties granted and described in and by chapter 141 of laws 1911.

3. The members of this corporation shall be John Lind, the president of the board of regents of the University of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., during their respective terms of office as such president of the board of regents of the University of Minnesota, and such mayors of said cities and their respective successors in such offices.

Whoever are the mayors of those two cities for the time being and whoever is the president of the board of regents of our State university constitute the corporation.

I need not read the remainder of the certificate, but I shall ask to have the statutes from which I quoted, together with the certificate of incorporation, printed entire in the RECORD. It is signed by John Lind, president of the board of regents of the University of Minnesota; James C. Haynes, mayor of the city of Minneapolis; and Herbert P. Keller, mayor of the city of St. Paul, Minn.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Permission to do so will be granted, in the absence of objection.

The papers referred to are as follows:

CHAPTER 141—S. F. NO. 496.

An act to authorize the formation of public corporations, under certain circumstances, in order to secure and provide electrical energy at approximate cost for cities and any State institution in any such city.

Be it enacted by the Legislature of the State of Minnesota:

FORMATION OF PUBLIC CORPORATIONS FOR DEVELOPMENT OF WATER POWER.

SECTION 1. Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply such city and any State institution therein with such energy at approximate cost, either alone or in conjunction with an adjacent city, may do so through a public corporation formed at its request as hereinafter provided.

ONE CITY MAY UNITE WITH ANOTHER.

SEC. 2. Any such city which may desire to avail itself of the provisions of this act shall proceed as follows:

If there is another city adjacent thereto, it shall be invited by resolution of the legislative branch of the city first mentioned to unite with the latter in securing the organization of such public corporation. If such adjacent city within 30 days thereafter shall, by resolution, accept such invitation, said city shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized under this act a public corporation therefor, and shall, by the same resolution, request the respective mayors, or other executive heads (by whatever name known) of said cities, and the president or other executive head of the governing or managing board of any State institution (or of the senior State institution if more than one) in such cities to proceed to form such corporation under this act.

If there is no adjacent city, or if there is one and it fails or refuses to unite in the adoption of such resolutions within 30 days, the legislative body of the city which may desire to avail itself of the provisions of this act shall, by resolution, request its mayor or other executive head, its city engineer or the head of its engineering department (if known by any other name), and the president or other executive head of the governing or managing board of any State institution (or of the senior institution if more than one) within such city to proceed to form such a corporation under this act.

OFFICIALS TO MEET UPON CALL OF MAYOR.

SEC. 3. The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office, and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section 1, and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under this act, and that the members of the corporation shall be themselves during their respective terms of office and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state.

CORPORATION TO ELECT OFFICERS AND EMPLOY A MANAGER.

SEC. 4. Such corporation, when organized, shall provide for and elect such officers as it may designate, and may employ a manager and such other agents and servants as may be necessary for the corporate business, and may adopt such rules, regulations, and by-laws for the government of the corporation and of its employees as may seem best; but the members of such corporation shall receive no pay or compensation as such members or as officers, but may have their actual expenses.

AUTHORIZED TO ACQUIRE AND DEVELOP WATER POWER.

SEC. 5. Such public corporation, when organized, shall be authorized and empowered to acquire by lease or otherwise any developed water power within or near the corporate limits of the cities whose officers are ex officio members of such corporation; to acquire all necessary lands, rights, and privileges; and to provide itself with a suitable hydroelectric plant, fully equipped with auxiliary power plant necessary to utilize economically said water power, and with the necessary means of distribution of the electrical energy therefrom.

DISPOSITION OF ELECTRICAL ENERGY.

SEC. 6. The electrical energy, so developed, shall be disposed of as follows: First, to the grantor from whom the water power is acquired, if the contract therefor so provides; second, to any State institution in such city or cities desiring the same; and third, any surplus then remaining, in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city.

SAME RATE TO ALL PATRONS.

SEC. 7. The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor of the water power, a State institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more.

ISSUANCE OF BONDS.

SEC. 8. Such corporation shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation.

Approved, April 13, 1911.

CERTIFICATE OF INCORPORATION.

The cities of Minneapolis and St. Paul, Minn., having by resolutions of their respective legislative bodies duly expressed and declared their desire and election in accordance with the provisions of chapter 141, Laws of 1911, to secure for said cities and the University of Minnesota, located in said city of Minneapolis, the benefits of any water power now developed, or which may hereafter be developed within or near the

corporate limits of said cities, and having by said resolutions expressed their desire and election to have a public corporation organized in accordance with the provisions of said chapter 141, Laws of 1911, for the purpose of acquiring any such water power and for the purpose of utilizing said water power in the creation and development of electrical energy to supply said cities and the said University of Minnesota with electrical energy at approximate cost.

Now, therefore, John Lind, the president of the board of regents of the university, of the State of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., in accordance with the request of the legislative bodies of said cities, and pursuant to chapter 141, laws of 1911, being "An act to authorize the formation of public corporations under certain circumstances in order to secure and provide electrical energy at approximate cost for cities and any State institution in any such city," approved April 13, 1911, and for the purpose of forming such corporation, do hereby certify as follows:

1. The name of the corporation shall be "Municipal Electric Co." and its principal place of business shall be at the University of Minnesota.

2. The objects of this corporation and the general nature of its business shall be to acquire by lease or otherwise any developed water power within or near the corporate limits of Minneapolis or St. Paul, or either of them, and from said water power to develop electrical energy and to distribute the electrical energy so developed to any Federal institution and to any State institution within said cities, or either of them, and to the cities of Minneapolis and St. Paul, and to that end and for that purpose to acquire all necessary lands, rights, and privileges and to provide itself with the necessary electric plant or plants and with the necessary means of distribution of electrical energy, and to do all things necessary to carry out the purpose and object above expressed, and to that end to perform all and singular the powers and duties granted and described in and by chapter 141 of laws of 1911.

3. The members of this corporation shall be John Lind, the president of the board of regents of the University of Minnesota; James C. Haynes, the mayor of the city of Minneapolis, Minn.; and Herbert P. Keller, the mayor of the city of St. Paul, Minn., during their respective terms of office as such president of the board of regents of the University of Minnesota, and such mayors of said cities, and their respective successors in such offices.

4. This corporation shall commence at the time of the execution of this certificate and shall continue thereafter perpetually.

5. The management of the business of this company shall be vested in the aforesaid corporate members so long as they shall respectively hold the offices above named, and in the persons who shall succeed them in said offices from time to time, it being the intent hereof that the chief executive officer of each of said cities and the executive head of the board of regents, or other governing body of said university, shall be the governing body of this corporation.

6. Said corporate members shall annually elect one of their number as president of the corporation, and may appoint a secretary thereof from their own members or otherwise and such other officers, agents, and employees as it may deem necessary for the proper conduct of the business of this corporation, and fix the compensation of such agents and employees, provided only that no members of this corporation shall receive any compensation for services rendered as members or officers of this corporation, and may adopt such by-laws, rules, and regulations for the government of the corporation and its officers, agents, and servants as to said members shall seem best. The first president of this corporation shall be Herbert P. Keller, and the first secretary shall be James C. Haynes, who shall hold office until their respective successors are chosen and qualified.

In witness whereof the parties have hereunto subscribed their names at the city of Minneapolis, Minn., this 24th day of November, 1911.

JOHN LIND,
President of the Board of Regents of the University of Minnesota.
JAMES C. HAYNES,
Mayor of the City of Minneapolis, Minn.
HERBERT P. KELLER,
Mayor of the City of St. Paul, Minn.

In the presence of—
FRANK J. WATEROUS.
WM. P. ROBERTS.

STATE OF MINNESOTA, *County of Hennepin, ss:*

On this 24th day of November, 1911, before me, a notary public within and for said Hennepin County, Minn., personally appeared John Lind, president of the board of regents of the University of Minnesota, James C. Haynes, mayor of the city of Minneapolis, Minn., and Herbert P. Keller, mayor of the city of St. Paul, Minn., to me personally known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

[NOTARIAL SEAL.] WM. P. ROBERTS,
Notary Public, Hennepin County, Minn.

(My commission expires January 7, 1914.)

Filed for record in this office on the 25th day of November, A. D. 1911, at 10.30 o'clock a. m.

JULIUS A. SCHMAHL,
Secretary of State.

—

UNITED STATES OF AMERICA,
STATE OF MINNESOTA,
Department of State.

I, Julius A. Schmahl, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with record of the original instrument in my office of articles of incorporation of Municipal Electric Co., as recorded in Book U–3 of incorporations on page 704, and that said copy is a true and correct transcript of said instrument and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in St. Paul, this 30th day of January, A. D. 1913.

[SEAL.] JULIUS A. SCHMAHL,
Secretary of State.

Mr. NELSON. As I have said, this high dam, as we call it for short, is nearly completed, but there must be something else done. It will take perhaps a million dollars for the Twin Cities and the university to establish a power house, with dynamos and other electrical appliances, to create the necessary power. All of these must be put in by this municipal corporation. They are to provide everything; they are to distribute all the power, the Government simply building the dam.

The situation is this: The dam is about completed. There is no use of letting that water power go to waste, and the question is, Will you allow that surplus power to be utilized by these cities for municipal purposes, will you let it be idle, or will you let it go to a private corporation which has offered $500,000 for it? To my mind, this is a very important matter, not only as it relates to this case, but it is an important precedent.

This is a case where the Federal Government and the State of Minnesota concur. There is no question of State rights involved. It is not like the Connecticut River Dam proposition which was before the Senate some days ago. That referred to a dam built by private capital, where the Government did not invest a single penny, but still sought to make charges. This project, when completed, will be all paid for by the Government; it is the property of the Government, built primarily for the purpose of navigation, but, incidentally, it has created this water power.

It seems to me that true conservation is not to let this power lie idle; it is not to auction it off to the highest bidder and let it pass into the hands of a corporation which would hold the people by the throat. True conservation is to let the public utilize these agencies at reasonable and moderate figures, and under the charter of this corporation it is their right and their duty to make the charges reasonable. They must furnish the power at such a rate as will be sufficient to pay the cost of the plant, the cost of distribution, the cost of maintenance, and all that pertains to it, and "no more," as the law says.

I take it, if Senators will reflect, they will come to the conclusion that in such a case as this, where a large city is situated near a Government dam on a water power, it is precisely one where we ought to conserve that power. So I am not ashamed to say that I suggested to those cities the formation of this corporation for this purpose. Although my home is 140 miles from St. Paul and 130 miles from Minneapolis, and I have no personal interest in the matter, yet I am anxious that the people of the Twin Cities shall have the use at cost of that electrical power for public purposes and that our great State university shall have it. That is the object and purpose of this provision in the bill.

I am greatly interested in our State university. While it was not my fortune in my younger days to be able to get a university education and I merely had the advantages of an academy something on the New England plan, yet for more than 15 years I was a member of the board of regents of our State university, and I have taken a great interest in it. We have the finest agricultural school, I think I can fairly say, without exception, in the entire country, situated but a short distance from the main buildings. They have over 1,200 students, daughters and sons of the farmers of the State, and we have the courses so arranged that during the middle of the summer, when they are needed on the farm, the students remain at home, and during the fall and winter they can attend that school. We have a great educational system in Minnesota, and we have two fine cities, but in none of its institutions do I take a deeper interest than in our great university. It is right on the banks of the Mississippi River, within a stone's throw of it, and it should have the privilege of utilizing this power.

What is more, I want to say—and I have nothing to conceal—that the Government has acquired the riparian lands where the dam is being built, and the two cities have been so afraid that some outside corporation would try to gobble up this power that they have secured the riparian rights from the dam up to Minneapolis for the purpose of preventing it passing into private hands; in other words, they have secured the lands that will be flooded by the dam.

Mr. DIXON. Mr. President——

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

Mr. NELSON. Certainly; I yield.

Mr. DIXON. I am very much interested in the Senator's statement. May I ask him what is the amount of the capital stock of this company, and to whom will the stock be issued?

Mr. NELSON. The company has no capital stock. They have no right to issue any stock; they only have authority to issue bonds to secure the money to build the electric plant.

Mr. DIXON. Is there any limitation in regard to the right of assignment? Could the rights of this corporation be transferred to outside parties?

Mr. NELSON. I think there is such a limitation, but if there is not I should have no objection to its being inserted. The Senator can very well see that those cities and the university would not want to assign the right to anybody.

Mr. DIXON. This is purely and simply——

Mr. NELSON. For municipal purposes.

Mr. DIXON. For the municipal purposes of Minneapolis and St. Paul and for the State university?

Mr. NELSON. That is all.

Mr. DIXON. And will be controlled——

Mr. NELSON. By them and nobody else.

Mr. DIXON. By the trustees, who will be the mayors of Minneapolis and St. Paul and the president of the State university?

Mr. NELSON. The president of the board of regents of the State university.

Mr. DIXON. The president of the board of regents?

Mr. NELSON. The three officials who hold office for the time being. As I have said, they will issue no stock. I did not read the last section of the law, but it will be printed in the RECORD, and that section of the law shows just what they can do. Here is what they can do:

ISSUANCE OF BONDS.

SEC. 8. Such corporations shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation.

There is no stock, and consequently there can be no dividends. The corporation is authorized simply to issue bonds and certificates to raise the money to construct the power house and purchase the electrical appliances.

I think, if Senators will carefully consider this matter, they will find, first, that this is a case where the State and the Federal Government cooperate. There is no question as to what is the right of the Federal Government and as to what is the right of the State. In the next place, this is a municipal corporation, which desires to secure the power for municipal purposes in order to distribute it to the people of the Twin Cities and to the university at cost.

I want to call attention to the fact that when this matter was first introduced in the House it provided that the chartered corporation should pay a minimum of 3 per cent on the amount of the extra cost. We have increased it to 4 per cent on the extra cost. According to the report of the engineers, the extra cost will be $640,000, so that the cities will pay 4 per cent on $640,000. My opinion, from experience in other matters, is that it will probably be a little higher before the dam is finally finished.

Now I want to call the attention of Senators to another matter, and that is that the Government of the United States can borrow its money at 3 per cent. Three per cent would be a fair rate of interest; but we have inserted here 4 per cent upon this investment. If you count the regular rate at which the Government secures its money at 3 per cent, you will find here 1 per cent in addition, which will be in the nature of a sinking fund to reimburse the Government.

I agree with the Senator from Colorado in his main principles, but I think, upon the facts in this case, the situation, as the Senator will see from what I have said, is entirely unique. This is not, as I have said, like the Connecticut River case. This is a case where the Federal Government with its own money builds the dam and is allowing the electric power to be utilized for municipal purposes.

Mr. OWEN. Mr. President——

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

Mr. NELSON. Certainly.

Mr. OWEN. I desire to ask whether the Government, in providing for this water power at Federal expense, will be compensated in any way from the proceeds of the power thus developed?

Mr. NELSON. They get 4 per cent on the extra cost of the dam. As I figure it, taking the present extra cost as it is estimated, it will amount to about $25,000 a year. Undoubtedly it will be more in time. The Government simply builds the dam. Before the Government could secure the power, they would have to build a power house, put in dynamos and all necessary electrical appliances, and provide for the cost of maintenance.

Mr. FLETCHER. Mr. President——

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

Mr. NELSON. Yes.

Mr. FLETCHER. I suggest to the Senator from Minnesota that the Government gets another advantage, and that is, the locks are to be operated by the power to be furnished by the municipalities.

Mr. NELSON. Oh, yes; the locks and gates in the dam are to be operated free of charge to the Government by the chartered company.

Mr. DIXON. Mr. President——

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

Mr. NELSON. Certainly.

Mr. DIXON. Since my first interruption a Senator has handed me a copy of the articles of incorporation, and I think this provision should be laid before the Senate. What I was asking was whether there was any possibility of there being a transfer of this right to any private corporation.

Mr. NELSON. I do not think they could do that without the consent of the State.

Mr. DIXON. But I think the Senator from Minnesota should state, for the benefit of the Senate, that the articles of incorporation further provide:

That no members of this corporation shall receive any compensation for services rendered as members or officers of this corporation.

Mr. NELSON. I thank the Senator very much.

Mr. DIXON. I think it is very carefully drawn.

Mr. NELSON. Yes; I omitted to read that. The articles of incorporation are very carefully guarded, so that the officials who constitute the corporation can receive no compensation at all for their services.

Mr. DIXON. So it is purely for municipal and public purposes.

Mr. NELSON. Purely and simply for public purposes, and nothing else.

Mr. THOMAS. Mr. President——

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

Mr. NELSON. Certainly.

Mr. THOMAS. Mr. President, I have no doubt whatever, after listening to the Senator's explanation and statement of the character of the enterprise with which the Government proposes to deal in this amendment, that it is a most desirable and beneficent one. I have no question, too, but that the rights of the public have been as thoroughly safeguarded by legislation and by subsequent charter provisions as it is possible to do. If there is or could be any enterprise of any sort that would justify the Government's expenditure which I object to, it certainly would be something which, like this, is designed to contribute to the welfare of two large urban centers of population and a great State university. There can be no question but that the general purpose of the enterprise is one which must redound very largely to the benefit of the immediate community concerned and indirectly to the State in so far as it contributes to the well-being and development of the university. The difficulty, however, is not to be found in the direction which this improvement ultimately takes nor in the objects which may ultimately be accomplished by recognizing the right of the Government to make the expenditure, and therefore I do not think the Senator has met my objection or in any manner explained or defended against the fundamental proposition of power upon the part of the Government to do what it seems from the statement of the Senator has been done very largely, this being an uncompleted project.

I have some general acquaintance with this project through the press, and particularly through the magazines, which have devoted some space to it, and which have not only outlined its purposes as tending to beautify that section of the State, and particularly as an advantage, generally speaking, to the university, but also its prominence as a great work of public improvement. If the Government, however, may expend money for this purpose, then it is difficult, in my judgment, to find any limit upon its right to expend money in the same way for other purposes or for the same purpose, the control of the property created or the power generated not being so closely safeguarded as here seems to be the case.

Of course I was familiar with the report to which the Senator called attention and in which his conclusion was that, under circumstances like this, the Government was entitled to a certain property right in water power when it results from its own expenditure; but I have been unable to coincide with that conclusion. I think that if the Government, by the expenditure of money for the improvement of navigation directly, either by increasing the energy of the water or in some other direction, can create something which theretofore did not exist in the water and which it afterwards owns, then it may delegate to a citizen or a corporation the right to make the improvement and invest itself with the same right as a result of the corporation's expenditure.

In other words, I am unable to draw a distinction between the consequences of a direct and an indirect improvement. I believe they are the same in each instance, and that where the private improvement under the consent of the Government is carried on it is necessarily, in a legal sense and in so far as any legal consequences flow from it, a public improvement and not a private one.

That brings us to this proposition: Can the Government of the United States, directly or indirectly, under its power to improve the navigability of a river, go beyond that purpose and make an expenditure out of the Public Treasury which is not designed for the improvement of navigation, but is designed to create a surplus supply of water or a surplus supply of energy in water not needed for the purpose of navigation and connected with it only in the sense that the improvement which is made is an identical one?

That is the fundamental proposition involved in this amendment. I contend that if we recognize that right, we can not very well place any limitation upon its exercise.

The Senator admits very candidly that the extra expenditure involved in this improvement—and by that I assume he means the expenditure over and above the amount necessary for improving the navigability of the stream—is $640,000, which may fall somewhat below the ultimate expenditure. What is that $640,000 for? To improve navigation? Not at all. To create a surplus supply of water? Yes; if the amendment itself is to be taken as a guide for our information, because the tenth and eleventh lines on page 53 refer to the utilization of the hydro-electric power developed by the surplus waters not needed for navigation. The dam, therefore, was constructed for the purpose of obtaining water needed for navigation and for the purpose of obtaining surplus water not needed for navigation.

Why may not the Government expend $6,400,000 for this purpose as well as $640,000? And if it may expend $640,000 in excess of the amount required for the particular improvement in the Mississippi River at Minneapolis and St. Paul, why may it not make a similar improvement at St. Louis whenever the people of that great city, by some arrangement with the Government, use the Treasury of the United States, under the ostensible purpose of improving the navigability of the river, for the purpose of creating a surplus energy in the river, to be utilized either by the municipality or by some private corporation, or by both? Why may it not repeat the same practice at Pittsburgh, at Cincinnati, at Portland, Oreg., wherever there is a large community upon any of the navigable streams of the country?

If we enter upon that process of expenditure, Mr. President, I contend that we can place no limit whatever upon the amount to be expended, or upon the authority of the Government in that direction. If it may use the money of the Treasury, under the ostensible purpose of improving navigation, for the purpose of creating a surplus amount of water, it may use it for some other purpose. All of this tends to the ultimate conclusion that this great power, given to the Government of the United States as an essential attribute of sovereignty, is to be used as an agency for the creating of property and then for utilizing itself the property so created, selling it or leasing it. Between this instance, which receives the support of the Senator from Minnesota, and the case of the Connecticut River, which last week was opposed by the Senator from Minnesota, the only difference is that in the one case the improvement is made by the Nation directly, and in the other it was to be made by a private corporation, the Connecticut River Co.

The University of Minnesota is one of the greatest educational institutions of the country. The Senator may well be proud of what it has accomplished, and what it certainly will accomplish. I imagine, however, that the university will continue its great work of benefit to the State, and the education of youth, and the extension of its various spheres of influence in their several directions, just as much and just as well, although perhaps at a little greater expense, notwithstanding the fact that this amendment may not be adopted.

If its rejection would result in great injury to that institution, I certainly should be tempted to suppress my objections to the amendment and vote for it, because I believe the cause of public education is one of the most important, if not the most important of all the objects of public concern, both national and State.

Fortunately, however, we are not confronted with any dilemma of that sort. On the contrary, it appears from the statement of the Senator that the two cities own the riparian rights which are here necessarily involved. That being the case, it is the cities that are the owners of this surplus energy, by virtue of the fact that they are riparian owners. Under those circumstances I see no reason why they may not go on with their work of improvement under this arrangement, which has been sanctioned by the State legislature. Hence, in so far as concerns the immediate consequence flowing to the communities interested, it is not, after all, of very great importance.

But, Mr. President, why should not this condition result from the expenditure of this money? It has been expended for the benefit of the riparian owner. If the improvement has already been made, and the money therefor has been expended, why should not the cities of Minneapolis and St. Paul return to the Treasury of the United States this surplus amount of money which the Government had no right and no power to expend for this particular purpose?

The Senator has said that this is an instance of Federal and State cooperation; and so it is. But the cooperation is after the fact of the expenditure instead of before or coincident with the fact. The State comes in here after the Government has expended nearly half a million dollars upon a scheme or for an object which is beyond its power. Hence, it seems to me, there is no cooperation here in the sense that there should be and must be cooperation between the State and Federal Governments in matters of this kind, and which ultimately must come if there is to be conservation in the true sense of the term and our rivers are to be managed and improved as they ought to be.

It is true that the Government has reserved the right to such power as may be necessary to operate the locks free of charge to the United States; but that is not the only reservation that appears in the amendment. I find another, as follows:

> The right shall be reserved to the United States and included in such contract for the United States to purchase and use such supply of said power as may be required for its own purposes on the same terms and conditions as the said power is sold or distributed to the members of said public corporation of the State of Minnesota.

Of course I am ignorant of what governmental demand may exist for power outside of and beyond that necessary to operate the locks; but the reservation, to be effectual, should have been as broad as the demand might be.

We are here confronted, therefore, with this situation: The Government expends $640,000, not to improve navigation, but to create surplus energy in the stream. Then it confers upon the Secretary of War the power to transfer or assign this new property so created; and instead of making a reservation coincident with its own requirements in the future, it limits that merely to the operation of the locks, and then must go into the market and pay such price for any surplus power generated from its own property created through an unlawful expenditure of money as is charged to other consumers of the power to be generated from this new property.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. THOMAS. Certainly.

Mr. NEWLANDS. May I ask the Senator from Colorado whether, in his view, this arrangement of cooperation would be unobjectionable provided the electric company, acting under the authority of the State, should expend upon this structure, in furtherance of its purpose to generate electric power, the extra amount which the United States now proposes to expend on that structure in order to make it suitable for the purposes of the electric company?

Mr. THOMAS. Of course in answering that question some consideration must be taken of the power of the particular State, whose constitution might interfere with the adoption of that course.

Mr. NEWLANDS. I was assuming that this company had the power and the authority from the State to enter into such an arrangement, by which the Nation would expend the amount of money necessary to make a structure in aid of navigation, and the corporation, under the authority of the State would expend in addition to that an amount of money which would make the dam serviceable for its purposes. In that event, would the Senator regard this transaction as unobjectionable?

Mr. THOMAS. Assuming that the State or the corporation, or both, are the owners of the riparian rights, I should think that would be a very desirable method of cooperation.

Mr. NEWLANDS. The Senator, then, does not object to cooperation between the Nation and the State?

Mr. THOMAS. Not at all.

Mr. NEWLANDS. Or between the Nation and a corporation acting under the authority of the State?

Mr. THOMAS. Not at all.

Mr. NEWLANDS. But the Senator simply insists that the National Government can not invest in this enterprise any moneys except those that are required for navigation, and that all additional moneys for a private purpose, and one relating to the State jurisdiction, should be expended either by the State or by a corporation acting under authority of the State?

Mr. THOMAS. Yes; my position is that the——

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

Mr. NEWLANDS. Let the Senator answer my question.

Mr. THOMAS. Does the Senator desire to reply to the Senator from Nevada?

Mr. CLAPP. Not exactly to reply; but there is one phase of this question which I think the Senator could answer better if he understood the situation.

Mr. THOMAS. I was about to answer the question asked by the Senator from Nevada.

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

Mr. THOMAS. Certainly.

Mr. CLAPP. This dam is on the Mississippi River. It is intimately connected with the reservation system above these cities and the use of the water stored in the reservoirs below the cities. At one time it was suggested that the State and the two cities form this corporation, and that they themselves take the dam at a certain point and build the additional dam themselves. But the Federal authorities, and I think very properly, took the position that there could be no coordinated management or supervision of this work. Hence it was decided to adopt the plan of letting the Federal Government build this dam and absolutely control it, and having the cities and the State for its university pay this revenue, which would meet the cost to the Government, if it should be bonded, of getting the money, and leave an excess of 1 per cent per annum over and above what it would cost the Government. For that reason the project of these cities and the State taking the dam at a certain height and building it higher was abandoned, and this was adopted.

Mr. THOMAS. I have already said, Mr. President, that the project is a most excellent one. No man can find any sort of fault with it, or indulge in any harsh criticism of it, as it was outlined by the Senator's colleague a few moments ago. That part of the discussion which I was endeavoring to carry on when interrupted by the Senator from Nevada was caused by the insistence of the senior Senator from Minnesota that this was a case of Federal and State cooperation. I think he stated, or at least I gathered, that his purpose was thus to differentiate it from the Connecticut River case of last week. My contention was that there was a point where this cooperation began; but, based upon the information supplied by the Senator from Minnesota, that cooperation succeeded instead of preceding the extra surplus expenditure of the Government not needed for purposes of navigation.

I think I have forgotten the question of the Senator from Nevada, or at least I have not it clear in my mind.

Mr. NEWLANDS. My inquiry was whether the transaction would be entirely unobjectionable provided the State, or a corporation acting under the authority of the State, should invest in this dam the extra amount necessary in order to make it serviceable for electric-light purposes?

Mr. THOMAS. I think that is what it ought to do. I think that, in order to place the Government in statu quo, this corporation, so well safeguarded, both by the terms of its charter and by the legislation which authorizes it, ought to go a step further and reimburse the Government for the amount of money that it has expended.

Mr. NEWLANDS. Let me ask the Senator whether this result would not follow, that the Government would own a part of the structure, and the State, or the corporation acting under the State, would own another, and there would be a divided ownership, which would be exceedingly inconvenient, and which would prevent the successful operation of this dam for either national or State purposes? I will ask him, further, whether it would not involve not only a divided ownership, but a divided operation and control of the dam itself that would be exceedingly inconvenient?

If the Nation and the State have a right to cooperate in the construction of an individual structure that is intended to meet the uses of both sovereignties, having that broad right, have not they the right to conduct it in a businesslike way? And if the businesslike way involves either the Nation or the State building the entire structure, why can not a businesslike arrangement be made by which the sovereign which puts no money into the investment may compensate the other, either by a fair rental, or by an interest charge, or by an absolute reimbursement? The Senator will see that an absolute reimbursement means a divided ownership, which may be exceedingly inconvenient.

Mr. THOMAS. On the contrary, I perceive no such difficulty whatever. The Senator supported the Connecticut River bill the other day. That bill expressly provides that all of the improvement shall be made at the private expense of the company, after which that part of the improvement which is absolutely necessary for the Government operation of the improved channel of the stream shall be conveyed to it gratis, which of course means that the dam itself remains the property of the private corporation. At the same time I can perceive no difficulty flowing from a joint ownership of the dam by the State and by the Nation, the General Government, of course, having supervision and absolute control for purposes of navigation, its control arising from that power thus exercised.

It is very easy, if there should be such cooperation, to carry it on under terms and conditions which might be established and provided for by the Corps of Engineers or some other competent national authority. Those are all matters of detail, Mr. President, which seem to me to be of no great consequence.

I have already occupied more time than I intended to occupy upon this subject, and I shall not attempt to discuss the matter further.

Summarizing what I have said, my objection embodies the fundamental proposition that the Government can not and should not, under the guise of carrying out a great work of sovereignty, indulge in expenditures for the making of improvements or acquiring property not necessary to, but wholly or at least in part foreign to, the purposes of the expenditure which it has authority to make.

My attention has been called to section 3 of Rule XVI as bearing upon this amendment, from which I will read:

> No amendment which proposes general legislation shall be received to any general appropriation bill.

This amendment certainly proposes general legislation. I therefore make the point of order that it is obnoxious to section 3 of Rule XVI of the Rules of Procedure of the Senate.

Mr. NELSON. Mr. President, on the point of order, this is a special case that follows the appropriation for the dam. That appropriation of $185,000 is for this dam, and the amendment relates simply to this particular dam. It is not of a general character. It is not general legislation.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Ohio [Mr. BURTON] whether it has not been customary to insert legislation of this kind in river and harbor bills? Is not the river and harbor bill regarded not simply as an appropriation bill, but a bill providing authority for surveys, and so forth, and also appropriating money for projects?

Mr. BURTON. Mr. President, I do not think any discussion has arisen on that subject in the Senate. In the House it is regarded as a quasiappropriation bill, and material relating to public works and rivers and harbors is considered in order. That is, it is not regarded as strictly an appropriation bill and governed by the rules which pertain to appropriation bills.

Mr. NEWLANDS. I remember hearing the Senator make that statement at the committee meeting the other day when the question arose.

Mr. BURTON. That is certainly the rule in the House. It is not regarded as absolutely confined within the limits which pertain to an appropriation bill, as it will appear that the modification of projects or provisions relating to associated projects are subjects which could not well be disposed of except in this bill. For that reason the rule has been established that it is not limited by the strict rules pertaining to appropriation bills, at least in the House.

The PRESIDENT pro tempore. Will the Senator from Minnesota kindly restate his observation about the point of order?

Mr. NELSON. The objection is made that this is general legislation. This is not general legislation. It does not relate to dams in general. It relates to this particular dam. The appropriation immediately preceding, of $185,000, is for this very dam. It does not use the word "dam," but it is for that very dam, as the Senator from Ohio can vouch for. This relates to that subject matter. It is special, not general. It is not general in the sense of being general legislation.

Mr. O'GORMAN. Mr. President, I have great sympathy for this legislation; and I should be the last Member to offer any objection to a measure that seems to be so generally desired by the people of Minnesota, particularly the people of St. Paul and Minneapolis. But I have this to remark: If the Senate adopts this amendment, it should reconsider its action respecting the Connecticut dam bill, upon which we voted a few days ago. There can be no distinction in principle between the two matters. If it is necessary, for the purpose of promoting the navigation of the Mississippi River, to make an improvement, the Federal Government should make it, but only for that single and specific purpose. There is not a word in the Constitution that justifies the Federal Government in going into one of the rivers of the country and, either by cooperation with the State

or otherwise, undertaking to make an improvement which, in the case of the legislation proposed, concededly is not necessary for the purpose of navigation, because the amendment distinctly recognizes that the contemplated improvement is not necessary for navigation.

The PRESIDENT pro tempore. If the Senator from New York will pardon the Chair, the question now before the Senate is the point of order raised by the Senator from Colorado, that it is general legislation.

Mr. O'GORMAN. I assumed the Chair had passed on it.

The PRESIDENT pro tempore. The Chair will take occasion to say that there is no more difficult question ever presented to the Chair than to sometimes determine whether or not a given item in an appropriation bill is general legislation. The custom in the Senate has been rather liberal, the Chair thinks, in ruling that matters are of a general nature when sometimes they are of a special or local nature. In turning to some well-established authorities, the Chair will read a few lines.

The Century Dictionary defines general legislation as follows:

General legislation: That legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities.

Local legislation, local statute: Such legislation or statute as is in terms applicable not to the State at large but only to some district or locality and to the people therein.

Bouvier, who is a well-known authority, says:

GENERAL LAW (legislation): Laws which apply to and operate uniformly upon all members of any class of persons, places, or things requiring legislation peculiar to themselves in the matters covered by the laws. Statutes which relate to persons and things as a class. Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves. (Bouvier, vol. 1, 877.)

Bouvier further says:

"General," with reference to the subject matter of the statute, is synonymous with "public" and opposed to "private," but with reference to the extent of territory over which it is to operate is opposed to "local" * * * and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction. * * * Further, when used in antithesis to "special," it means relating to all of a class instead of to men only of that class. * * * In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to. If these objects possess sufficient characteristics peculiar to themselves and the purposes of the legislation is germane thereto they will be considered as a separate class, and legislation affecting them will be general; but if the distinctive characteristics of the class have no relation to that purpose of the legislature, or if objects which would appropriately belong to the same class have been excluded, the classification is faulty, and the law not "general." The effect, not the form of the law, determines its character.

The present occupant of the chair remembers well that the late President pro tempore, Mr. Frye, decided in more than one instance that a matter which related simply to a locality was not general legislation, and overruled, as the Chair remembers, the point of order on more than one occasion.

In this case the Chair is somewhat troubled as to the point of order raised, and, under his privilege, established by the rules of the Senate, will submit the question to the Senate, Is the amendment in order on this bill? Senators agreeing that it is in order will say "aye." [Putting the question.] The ayes appear to have it. The ayes have it.

Mr. THOMAS. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. O'GORMAN. I suggest the absence of a quorum.

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

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

Bourne	Dillingham	Kern	Poindexter
Bradley	Dixon	Lea	Pomerene
Brandegee	du Pont	Lodge	Richardson
Bristow	Fall	McCumber	Root
Burton	Fletcher	McLean	Sheppard
Catron	Foster	Martin, Va.	Shively
Chamberlain	Gallinger	Martine, N. J.	Simmons
Chilton	Gamble	Myers	Smith, Ariz.
Clapp	Gore	Nelson	Smith, Ga.
Clark, Wyo.	Gronna	Newlands	Smith, S. C.
Clarke, Ark.	Jackson	O'Gorman	Smoot
Crawford	Johnson, Me.	Oliver	Thomas
Cullom	Johnston, Ala.	Page	Thornton
Cummins	Jones	Penrose	Works
Curtis	Kenyon	Percy	

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment.

Mr. THOMAS. May I ask for a submission of the point of order to the Senate?

The PRESIDENT pro tempore. The point of order was dealt with by the Chair. The Chair submitted it to the Senate, and it was decided that it was in order. The question now is upon agreeing to the amendment of the committee.

Mr. BRANDEGEE. Mr. President, I wish to make the announcement that if the Senate approves of this amendment I shall offer the Connecticut River dam bill as an amendment, which is much less objectionable, in my opinion, than the pending amendment. I think there ought to be some principle about the legislation, and we ought to be consistent in our policy.

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

Mr. NEWLANDS. Mr. President, the debate which has taken place regarding this amendment, taken in connection with the practical admission of the Senator from Ohio [Mr. BURTON] that the system hitherto pursued regarding river and harbor appropriations has broken down, indicates the necessity of some legislation that will enable the treatment of a river in such a way as to make it beneficial for every public use, the necessity of legislation which will bring about cooperation between the sovereigns having jurisdiction over detached uses of our waters, so as to bring about their highest development, with a view to meeting all the demands of civilization.

Mr. President, the Senator from Ohio has been for the last three or four years presenting his indictment not only against the bills providing for rivers and harbors but against the system which has grown up with reference to the development of rivers and harbors, and yet for years, in the House of Representatives, that Senator was chairman of the Rivers and Harbors Committee and was a dominant figure in all legislation relating to the development of rivers and harbors. The bills which were brought in there were in the main satisfactory to him. The bills which were finally passed were in the main satisfactory to him. The system which has thus far prevailed is the system for which the Senator from Ohio, as chairman of the Rivers and Harbors Committee of the House, is and has been largely responsible.

Mr. BURTON. Will the Senator from Nevada yield to me?

Mr. NEWLANDS. Certainly.

Mr. BURTON. I think the Senator did not hear what I said this morning when I pointed out the difference in policy at the time I was chairman of the Rivers and Harbors Committee of the House—a very essential difference—that of not beginning projects unless provision was made for their completion. As a result of that there were many less projects, and I maintain they were very much more carefully selected than has been the case in the recent bills. That policy was not absolutely pursued during the early years, from 1889 to 1902, because it was impossible to remodel or reform the existing system. If the Senator from Nevada will do me the kindness to read the report on the bill of 1907, which will appear in the RECORD tomorrow morning, he will see how very clearly the point was at that time presented.

Mr. NEWLANDS. I wish to say, Mr. President, that the remark I was making did not involve criticism of the Senator from Ohio. I was about to add that the system of river and harbor improvements pursued under his guidance in the House of Representatives was vastly improved. When he took hold of the leadership of this subject there a system prevailed called the "pork-barrel" system, a system with which we are all familiar, and which it is unnecessary to describe.

We had the pork barrel in projects just as we had it in offices, and the aim of thoughtful men was to substitute the merit system, both in projects and offices.

We have made great progress with reference to offices. We have made great progress with reference to projects. Every year has witnessed an advance in the merit system as applied to both. The Senator from Ohio is to be complimented for the great work which he undertook in this direction in the House. The Corps of Engineers through his efforts was made a dominant figure in all the plans with regard to rivers and harbors and their execution. A board of review was established, before which doubtful projects were tested, and without whose approval legislation was rarely initiated; a steady and gradual advance was made, not only in effective planning, but in effective work.

But in the very nature of things the great enterprise of developing a river for navigation can not be successfully pursued unless there is a single power or a combination of the various powers having jurisdiction, and unless the development of the river can be so planned and executed that the various uses of the river, including the works necessary to develop such uses, dovetail into each other.

So river improvement has broken down. It is to-day ineffectual for the purpose which Congress has in view in the exercise of its interstate-commerce power, namely, the promotion of navigation. It has been just as ineffectual in the development of a complete waterway as the action of a railroad company would be in the construction of a railway in detached portions here and there, a stretch of 10 miles here and a stretch

of 10 miles there, without any connection between the various structures.

So far as the question of expenses is concerned, the full development of a river within rational limits of expenditure depends upon every remunerative use of that river and the development of every remunerative use. The Congress of the United States under its jurisdiction can consider only one use of the river, and that is its use for navigation. Yet there are numerous profitable uses. There is the use of the water for irrigation; there is the use of the water for the development of water power and of hydroelectric power; there is the control of the water in such a way as to redeem vast areas of swamp land and make them profitable. Yet the Nation has jurisdiction over only one of these uses, the use for navigation. It is denied the opportunity of entering upon these other uses, which would be largely compensatory of the cost of the projects, though by reason of its ownership of the public domain it has been in a limited degree able to embrace irrigation in its works as a means of preparing its arid domain for settlement.

Now, under what jurisdiction are these other uses? They are under the jurisdiction of the State. Therefore we have the jurisdiction and the control over our rivers divided between the national sovereignty on the one side and 48 different States upon the other.

Correct planning requires that these sovereigns shall get together by some process so that they can cooperate in plans and works, and so that individuals acting as the agents or under the authority of each sovereign can so develop their respective works as to make them dovetail into each other and thus reduce the cost for each separate use.

Can there be any doubt, Mr. President, but that if a private corporation owned the great Mississippi River and all the areas which it traverses, including its tributaries, such a corporation would view that entire river, with all its tributaries and source streams, as a unit, and that in contemplating the development of that river for one useful, beneficial, and profitable use it would consider how far the other uses could be developed in such a way as to be either wholly or partly compensatory? Yet for 100 years we have been moving along this line of individualized effort, and the system has broken down. The question still is, How can we develop our rivers for navigation and make them useful in the transportation of the country?

Of course, the influence of the railways has been against this throughout. For many years our railroads were almost overdeveloped. They were greedy for traffic, greedy for transportation, and wherever they had the opportunity they would run the waterways out of business by unfair methods. The spectacle was presented of the Nation permitting one of its servants to club another public servant out of the opportunity for usefulness. So we find that the influence of the railways has been against the development of waterway transportation. It has not been against the development of our rivers, provided it could be done in an ineffective way. They did not object so much to the expenditure of public moneys for the development of our rivers as they objected to this expenditure in an ineffective way.

So throughout the years we have been going along with this ineffectual method of taking up individual projects here and there as a part of the spoils system, without comprehensive plans involving the union of all the services in the country that relate to water and involving the union of all the sovereignties that have jurisdiction over the subject.

Mr. President, if we will look at the map which hangs upon the wall we will find that, generally speaking, there are about eight or nine great watersheds or drainage areas in this country. Commencing at the Atlantic coast, we find the Atlantic waterways all running into the Atlantic Ocean or into the bays and sounds connected with the Atlantic Ocean. The scientific treatment of that coast involves comprehensive plans which will insure the construction of an inland waterway connecting with all the rivers from Massachusetts Bay, through Cape Cod, down to Florida, stretching through Long Island Sound, Delaware River and Bay, Chesapeake Bay, Pamlico Sound, and then, after passing through Florida by a canal, extending its way to a similar inland waterway upon the coast of the Gulf, and there connecting with the next watershed, the Mississippi watershed, a watershed covering nearly two-thirds of the area of the entire country, embracing not only the Mississippi River but all its tributaries from the Great Lakes down to the Gulf, and from the Appalachian and Allegheny Mountains on the one side to the Rocky Mountains on the other.

All the waters that fall upon that vast area are emptied into the Gulf of Mexico through a narrow pass which you will see depicted upon the map near New Orleans, where the Mississippi River makes it way out through the Passes into the Gulf of Mexico. And so this vast mass of water falling from the heavens in the various seasons of the year, capable of being used everywhere for benefaction, is allowed uncontrolled to drift below, to the destruction of towns and cities and vast cultivable areas.

Now, what purposes of benefaction can it be used for? Above, in that vast semiarid area, the flood waters can be led over the plains and used for purposes of cultivation and production, thus diminishing the flood when it is destructive and feeding the stream later on through the slow processes of percolation when the water is needed for purposes of navigation.

Then, below, what use can the regulation of this water be put to? In the reclamation of a vast area of alluvial soil, stretching all the way down from the Missouri on both sides of the river to and including Louisiana. The productiveness of an area of vast fertility is almost annually arrested by these very waters, when, if arrested above, and either stored artificially for power or led over the lands for the purpose of irrigation, would be most beneficial, in the increase of wealth and prosperity.

Mr. President, what is the problem, then, of the people in Louisiana, and Mississippi, and Tennessee, and Arkansas, and Missouri?

There the difficulty is too much water. What is the difficulty away out in the semiarid regions in the upper reaches of the Missouri and the Platte and other rivers tributary to them? Too little water. What is the difficulty in the Mississippi region? The difficulty there is that these waters are allowed to pursue their course in a period of flood and to wash the banks into the streams, creating obstructions to navigation. Finally, they rush down in the lower reaches of the river and threaten great cities and towns, protected by enormous levees, in some cases extending even to the height of the houses. Substantially all that we have done has been to treat the lower part of that river, to take hold of the floods after they have reached the lower part of the river, and to arrest their spread over the adjoining lands by levee protection, that involving also bank protection through revetment work as a means of preventing the destruction of the levees themselves by bank caving. So we have been spending millions of dollars down there, not in any connected plan relating to navigation, but simply with a view of protecting these areas and these cities and these towns from overflow as a result of floods, which floods, if utilized above, would be turned into beneficial agencies.

So it is to the west. We have the watershed of the Rio Grande depicted upon the map taking its source in the arid region and emptying into the Gulf of Mexico. Then farther on we have the watershed of the Colorado running into the Gulf of California; both of these rivers capable of being navigated, both of them capable of the use of their waters most extensively for irrigation and the development of water power. Further, we have the watershed of San Francisco Bay depicted on the map, with the Sacramento and its tributaries, the San Joaquin River and its rivers, commanding the most fertile valley in the world, emptying into San Francisco Bay, which in turn empties, through a narrow gorge called the Golden Gate, into the Pacific Ocean. There the same problems of irrigation, water power, swamp-land reclamation, and navigation confront us, the solution of each aiding in the solution of all; one half of this vast area thirsty for the waters which fall on the other half, and which can be diverted from their mad race to the ocean and applied to the development of power and the cultivation of the arid soil. Then we have to the north of that drainage area the watersheds of the Columbia and Snake Rivers, the Snake being a tributary of the Columbia. These two rivers traverse the States of Washington, Oregon, Idaho, and western Montana, and are capable of being used both for navigation and irrigation and for the development of water power. Yet our course thus far has been to bring in simply a river and harbor bill one half or more of which is devoted to appropriations for harbors and the other half to appropriations for rivers, the latter made in such a way as to take care of simply detached localities here and there without any comprehensive or collective planning that would result in these rivers, from their sources to their mouths, being used for all the beneficial purposes to which they can be put.

Mr. President, a movement has been going on for the last seven or eight years in the line of the development of natural resources. It was inaugurated during the administration of Mr. Roosevelt, and constitutes one of the most creditable policies of his administration. An Inland Waterways Commission was appointed by him, without statutory authority, about seven or eight years ago. It was appointed under his power of recommendation to Congress relating to legislation. As it served without compensation, it was no burden upon the Public Treasury; in fact, it had no statutory existence.

The Senator from Ohio [Mr. BURTON], then a Member of the other House, was a member and chairman of that commission. The then Senator from Missouri, Gen. Warner, and myself constituted the senatorial representation on that committee. There was also on that commission the present Senator from Alabama [Mr. BANKHEAD], who then was a Member of the other House. In addition to that, the chiefs of the various scientific services were members of the commission—the Chief Forester; the Chief of the Reclamation Service; the Chief of the Bureau of Corporations, at that time engaged in an exhaustive study of water transportation; a representative of the Bureau of Soils of the Agriculture Department; and the Chief of Engineers of the Army. From their report, from which I shall insert extracts in the RECORD, you will find that they recommended the treatment of a river as a unit from source to mouth, with all of its tributaries; cooperation between the Nation and the States in plans; cooperation between the Nation and the States in work, each within its jurisdiction, and with such apportionment of costs and benefits as would properly apportion to each jurisdiction the cost belonging to it and to each jurisdiction the benefits belonging to it. They recommended teamwork upon the part of the sovereigns, and they recommended teamwork upon the part of the services that relate to the use of water.

We found that the Engineer Corps of the Army alone had control of the improvement of our rivers, yet we found numerous other scientific services which were engaged in study or work in some way regarding the waters of the country. The Geological Survey, through its engineers, was engaged in the study throughout the entire country of all of the phenomena relating to water. The Reclamation Service was engaged at the upper reaches of these very navigable rivers, taking out the waters over the arid and semiarid plains in canals and storing them up in enormous structures for the purpose of irrigation. Then the Forest Service was engaged in its study relating to the usefulness of the forests themselves in the conservation of water, the services which the forests perform in absorbing the moisture and letting it out gradually into the small streams through which it finds its way into the navigable rivers, instead of permitting the precipitation to rush hastily to the large rivers, where its destructive force would be injurious both to navigation and to agriculture. All these various scientific services—the Reclamation Service, the Geological Survey, the Weather Bureau, the Forestry Service, the Drainage Service, the Coast and Geodetic Survey, and the Engineer Corps of the Army—engaged in the study of matters relating to waters were working in a detached way, without consultation with each other and without union either of plans or of work, each of them jealous of the jurisdiction of the other, each of them resisting any invasion of its own jurisdiction, and all of them more or less at war with each other, although they were all the servants of the Government.

We concluded that the first thing to do was to bring them into cooperation through a board consisting of the chiefs of these services, who, aided perhaps by a hydro-electric engineer, a hydraulic engineer, and a sanitary engineer, would study in a connected and related way all these questions relating to the use and the control of the water, and present to the National Government a connected plan of works.

That report of the Inland Waterway Commission was signed by all its members. There were some qualifying words on the part of the Chief of the Engineer Corps of the Army; there were some qualifying words by myself, or rather words of enlargement, for I wished to create a commission of large powers, to create a fund of $50,000,000 anually for 10 years for the development of our rivers, and to give this board of regulation a free hand within the limits of our appropriation, simply providing that they should enter upon no work unless the money for its completion was in the Treasury. The other members of the commission believed in a large fund; they believed in the cooperation of the services; they believed in the cooperation of the Nation with the States; but some of them believed that Congress ought not to give and some that Congress would not give such an organization a free hand in plans and works, but that it should present its plan to Congress in detail and that those plans should be approved by Congress.

My recommendation was, in my judgment, in the line of efficiency and of celerity in the work, for we have pursued practically that system in the reclamation works of the country, where we gave the Secretary of the Interior, with the aid of a board of engineers, comparatively a free hand, and also in the construction of the Panama Canal, and both those works, in the general satisfaction which they have given the country, in my judgment attest the wisdom of the plan.

There was no question on the part of any member of that commission that there should be cooperation between the services that relate in any degree to water; that there should be cooperation between the Nation and the States; that there should be an ample fund provided for continuous work stretching over a period of 10 years.

After that report was made the Conservation Congress was called at Washington at the White House. That congress was attended by almost all the governors of the States and by many men of distinction from every State in the Union. By a unanimous voice they declared in favor practically of this policy. Later on the political conventions met. The Republican convention in general terms, in 1908, indorsed this policy. The Democratic convention in express terms indorsed it, declaring specifically for the treatment of a river, with all its tributaries, as a unit; declaring specifically for the cooperation of the scientific services, for the cooperation of the Nation and the States, for a large fund, and for continuous work. Later on that policy in the last campaign was generally indorsed by the Republican Party and specifically indorsed in all its details by the Democratic convention and later by the Progressive Party convention.

During all this time waterway conventions have been held all over the country in which this general policy has been advocated. Boards of trade and chambers of commerce throughout the country have indorsed it, and there has been hardly a dissenting note, so far as the course of legislation is concerned.

Six years ago, in 1907, before the Inland Waterways Commission made its report I presented a tentative bill in the Senate providing for the cooperation of the services, the cooperation of the Nation and States, a large fund, a regulating board, and continuous work. That bill had a hard time in the Committee on Commerce, of which I was a member, but finally, after a struggle, I got out a modified bill, unanimously reported by the Committee on Commerce, providing for an inland waterway commission, which was to make plans for works upon the lines which I have suggested.

Just about that time an unfortunate controversy arose between Mr. Roosevelt and Congress, in which an effort was made by withholding appropriations and forbidding the service of Government officials on these investigating commissions, and in other ways to check him in the lines that he was pursuing of independent investigation regarding the conservation of the natural resources of the country. As a result of that controversy, during the closing days of the session, when I was endeavoring day after day to bring up that modified bill for consideration, with the absolute assurance that if it once got before the Senate it would pass, its pathway was obstructed by two eminent members of the Republican Party of the Senate and by two eminent members of the Democratic Party, who stood on watch to prevent its consideration.

I wish to say that during that time a fuller and more complete bill which I had offered was referred to the then Secretary of War, Mr. Taft, for his report, and while at that time the Corps of Engineers was hardly friendly to this idea, for it involved in some degree, as they regarded it, though I think mistakenly, a trespass upon their jurisdiction, Mr. Taft made a report, extracts from which I shall insert in the RECORD, in which he unqualifiedly indorsed this policy, and said that the time had come for comprehensive plans involving the intelligence and the energies of all the services involved and all the sovereigns involved. That bill was never reported. Since then at every Congress I have introduced a bill of a similar nature, and have sought by amendment to the river and harbor bill to secure action upon this subject. It is only recently that we have seen the dawn of a new light in that committee.

I am sorry the Senator from Minnesota [Mr. NELSON], the chairman of the Commerce Committee, is not in his seat, but I do not think that I do him an injustice when I say that for some time he looked upon this enlarged policy with great caution; and yet the other day, as the result of his experience with reference to these bills, he declared that in the future he would favor enlarged action upon this subject; that he was against the consideration of these questions in the detached way in which they have been considered, and would favor the organization of a board or commission and the creation of a large fund. He went so far as to declare that he would leave the expenditure of that fund to the members of that commission as a means of securing more comprehensive and more effective results than those attained under the present system. The Senator from Minnesota is in his seat now, and I ask him whether I have correctly stated his position upon this question?

Mr. NELSON. Mr. President, in answer to the kindly question of the Senator from Nevada, I beg leave to say that in a general way the Senator has expressed my sentiments. I have come to the conclusion that we could do much better work and should squander less money if we appropriated a gross sum and

placed it in charge of a board of five or seven competent Army engineers with power to determine what improvements should be made, and where, in our rivers and harbors.

While a great many of the improvements we are making are fully justified in the interests of navigation, yet my observation has led me to believe that in a great many instances we really squander money; it is wasted on improvements that never ought to have been made; but what can we do? Representatives and Senators are clamorous; they introduce their bills, and it is utterly impossible to resist them. I think it would require almost supreme power to infuse a new spirit into Representatives and Senators, as well as into the American people, to bring about a reform. I think the work should first be started through our great newspapers and the magazines, from the pulpit, and along educational lines, to infuse people with a new spirit, with less of the spirit of Mammon, so that we would all come to look upon this question just as we would if it were our own business. I am sure that if we were to look upon river and harbor improvements as though it were a matter of our own, and the money came out of our own pockets, we would in many instances refrain from scattering the money as it has been scattered in the case of many improvements.

I owe an apology to the Senator from Nevada for taking up so much time. I should be glad if the Senator would allow me to have a vote on my amendment.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly, I yield.

Mr. BRANDEGEE. Mr. President, I desire to send a proposed amendment to the amendment to the desk, which I shall offer at the proper time. I do not care to puncture the address of the Senator from Nevada, but at the conclusion of his remarks I shall ask that the amendment be read to the Senate.

Mr. NEWLANDS. I did not catch the last remark of the Senator.

Mr. BRANDEGEE. I will ask that the amendment be read to the Senate after the Senator from Nevada has finished.

Mr. NEWLANDS. Mr. President, I will state to the Senator from Minnesota that I will not delay him long in the consideration of his amendment. I call attention to the remarks of the Senator from Minnesota, who has long served upon the Commerce Committee of the Senate, who has had a large experience in the development of our rivers, who has served on committees that have made investigations of the Mississippi, the Missouri, and other rivers, and whose experience has probably been as large as that of any Member of this body. He testifies to the ineffectiveness of the present system, and the Senator from Ohio [Mr. BURTON] has also testified to it. I caught a few of the latter's phrases. He said there has been lack of care in the selection of projects and lack of care in methods.

He speaks of the ineffectiveness of expenditures already made, but he also speaks of the experimental side of this question as if we had to go through a further period of experiment before we could agree upon an effective system.

Mr. President, I claim that the period of experiment has expired. We have been experimenting with this question for over 100 years. We know that other nations have dealt with it successfully. We know that in France river transportation and canal transportation and railway transportation all are coordinated and each has a proper place in their system of transportation. We know that in Germany they have pursued their waterway development side by side with their railway development and their ocean transportation development, and they have conducted them all in such a way as to make them dovetail into each other, the waterway transportation cooperating with the railway transportation, and both of them cooperating with ocean transportation in such a way as to diminish the inconvenience and the cost, and in such a way as to make Germany's course absolutely triumphant in the advancement of its commerce.

Waterway transportation is no new thing. Our only difficulty is that we have not improved and developed our waterways in any consecutive method. We have allowed the railways to sandbag the waterways. We have allowed one public servant to destroy another public servant. The result is that these two servants do not cooperate in the service of the country, but the efficiency of the one has been practically destroyed by the monopolistic and destructive efforts of the other.

There is no reason why we should not make the same study in this country that Germany has made of the complete development of waterway, railway, and ocean transportation, and the first step in that direction is the proper development of our inland waterways.

We have to-day the Panama Canal, a connecting link between the waterway systems of the Pacific coast, the Atlantic coast, and the Gulf coast, including the entire valley of the Mississippi River. There is no reason why in the future vessels of standard draft should not start from St. Louis, go down the Mississippi River, through the canal, up to the Pacific coast, up into San Francisco Bay, and up both the Sacramento and the San Joaquin Rivers. There is no reason why they should not pursue the same course regarding the Columbia and the Snake Rivers, connecting as they do four States and reaching far into the interior. There is no reason why this entire system should not be planned in such a way as to secure a contemporaneous development of the reclamation of our swamp lands, the reclamation of our arid lands, the development of our forests, and the development of hydroelectric power, which is daily becoming more and more a factor in our domestic life and entering into domestic activities more than any other force.

When I interjected something of this kind this morning, while the Senator from Ohio [Mr. BURTON] was speaking, and urged the importance of dealing with the subject in a large way through a commission of experts the distinguished Senator said something about "abdicating legislative functions." Is it a legislative function to do executive work?

All this is work of planning and of construction. It is simply a proper exercise of our legislative functions to create an effective organization for doing effective executive work and to give that organization large and comprehensive powers so that there will be not only plans made, but work done. If we allow such an organization to be hamstrung all the way along by the agencies of obstructive legislation, we shall never secure substantial results.

Mr. President, I know the Senator from Minnesota is anxious to have a vote, and I shall not at this time conclude what I have to say. I shall only say, with reference to this particular provision in which the Senator from Minnesota is interested, regarding a cooperative arrangement between the National Government and the State of Minnesota regarding a dam promotive both of navigation and water power, that it illustrates and accentuates everything I have been saying. His amendment proposes practically a cooperation between the Nation and a State in the utilization of a structure to be placed in a river in such a way as to meet the demands of the national jurisdiction in the promotion of navigation and to meet the demands of the State jurisdiction in a matter of proper domestic development.

Why should the Senator from Minnesota be compelled to come here to Congress with this specific project and ask our assent? Why should any Senator or Representative be compelled to come here with reference to every project of this nature when by general legislation we can provide for cooperation between the Nation and the States and provide a fund under which that cooperation may be accomplished? Why should the time of the Congress of the United States be taken up in the constant discussion of individual projects here and there all over the United States, which may be multiplied indefinitely if we once enter upon the question, when by turning the matter over to a competent board, with ample funds, as we did the Panama Canal and the reclamation work, we will secure not only more effective results, but more speedy results?

This very bill shows, by the analysis presented to me by the Corps of Engineers, that nearly $37,000,000 is to be expended, of which over $14,000,000 goes for harbors and about $23,000,000 for rivers. That has been somewhat increased by the amendments of the Senate committee, aggregating some three or four million dollars additional. Twenty-two million dollars is appropriated in this bill for the regulation of rivers, and you will find that, of all that $22,000,000, $15,000,000 is to be spent upon the Mississippi River and its tributaries.

With the consent of the Senate, I will put in the RECORD this analysis of the bill as it passed the House, made at my request by the Corps of Engineers. My idea was to group the appropriations for rivers made in the river and harbor bill, not under the head of States but under the head of the respective drainage areas or river systems, considering every river with its tributaries as a unit.

The matter above referred to is as follows:

List of appropriations for systems of rivers made by H. R. 28189, Sixty-second Congress, third session, the amounts given herein being included in accompanying statements for rivers and for harbors.

Delaware River and Bay system:	
Philadelphia to the sea	$1,750,000
Philadelphia to Trenton	20,000
Above Lalor Street, Trenton	114,000
Alloway Creek	5,000
Cooper River	5,000
Mantua Creek	15,000

Delaware River and Bay system—Continued.	
Maurice River	$30,000
Raccoon Creek	13,000
Salem River	15,000
Woodbury Creek	8,000
St. Jones River	5,000
Appoquinnimink, Murderkill, and Mispillion Rivers	27,000
Broadkill River	5,000
Leipsic River	5,000
Little River	1,000
	2,018,000
Chesapeake Bay system:	
Broad Creek	2,000
Nanticoke	3,600
Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek	33,510
Susquehanna River	51,230
Anacostia River	75,000
Potomac River	33,000
James River	75,000
Mattaponi and Pamunkey Rivers, and Occoquan Creek	15,000
Pagan River	1,000
Rappahannock River	25,000
Upper Machodoc Creek	3,200
Onancock River	1,000
	318,540
Cape Fear River system:	
At and below Wilmington	352,940
Northeast, Black, and Cape Fear Rivers	12,000
	364,940
Neuse and Trent Rivers system	12,000
Great Pedee River system	15,000
Waccamaw River	30,000
	45,000
Santee, Wateree, and Congaree Rivers system	60,000
Altamaha, Oconee, and Ocmulgee Rivers system	40,000
Apalachicola Bay system	20,000
Apalachicola River and Chipola River	7,000
Flint River	15,000
Chattahoochee River, Ga. and Ala	80,000
Caloosahatchee River	2,000
	124,000
St. Johns River system	611,800
Orange River	1,000
	612,800
Holmes River system	2,500
Chattahoochee River	9,000
	11,500
Mobile Bay system:	
Alabama River	100,000
Black Warrior, Warrior, and Tombigbee Rivers, etc	1,366,000
Coosa River	136,000
	1,602,000
Mississippi River system:	
Southwest Pass	500,000
Head of Passes to mouth of Ohio River	6,000,000
Ohio River to Missouri River	1,000,000
Missouri River to Minneapolis, Minn	1,500,000
St. Paul to Minneapolis, Minn	185,000
Yazoo River and tributaries (Tallahatchie, Coldwater, Tchula Lake, Steele and Washington Bayous, Lake Washington, and Bear Creek)	40,000
Big Sunflower River	120,000
Ohio River	2,350,000
Tennessee River	1,105,000
French Broad and Little Pigeon Rivers	15,000
Cumberland River	10,000
Monongahela River	178,200
Allegheny River	2,000
Illinois River	100,000
Missouri River	2,300,000
Osage River	15,000
Gasconade River	10,000
Arkansas River	48,000
White River	20,000
Cache River	2,000
Black and Current Rivers	25,000
St. Francis and L'Anguille Rivers and Blackfish Bayou	7,000
Red River	117,000
Ouachita River	202,500
Saline River	3,000
Bayous Macon, Bartholomew, D'Arbonne, and Corney, and Boeuf and Tensas Rivers	16,000
Bayou Lafourche, La	2,000
	15,872,700
Sacramento and Feather Rivers system	40,000
Mokelumne River	1,000
Petaluma Creek and Napa River	18,000
San Joaquin River, Fremont Channel, McLeod Lake, and Stockton and Mormon Channels	186,132
Mokelumne River, Cal	1,000
	246,132

Columbia River system:	
Columbia and lower Willamette Rivers	$160,000
At the mouth	1,000,000
At the Cascades	100,000
Between foot of Dalles Rapids and Celilo Falls	600,000
And tributaries above Celilo Falls to Snake River	40,000
Between Bridgeport and Kettle Falls	25,000
Cowlitz and Lewis Rivers	23,500
Snake River	25,000
Willamette and Yamhill Rivers	42,000
Grays River, Wash	500
Total	2,016,000

List of appropriations made by H. R. 28180, Sixty-second Congress, third session, for rivers.

Kennebec, Me	$30,000
Medomak, Me	8,500
Merrimac, Mass	10,000
Housatonic, Conn	20,000
Mystic, Conn	8,160
Thames, Conn	12,000
Saugatuck, N. Y. (See Harbors.)	
Browns Creek, N. Y	10,000
Hudson, N. Y	1,000,000
Wappinger Creek, N. Y	3,500
Matawan Creek, Raritan and South Rivers, Compton and Cheescquake Creeks. (See Harbors.)	
Absecon Creek, N. J	1,600
Alloway Creek, N. J	5,000
Cooper River, N. J	5,000
Elizabeth River, N. J	15,443
Hackensack, N. J	50,000
Mantua Creek, N. J	15,000
Maurice, N. J	30,000
Raccoon Creek, N. J	13,000
Salem, N. J	15,000
Toms, N. J	1,000
Tuckerton Creek, N. J	5,000
Woodbridge Creek, N. J	3,000
Woodbury Creek, N. J	8,000
Allegheny River, Pa. (maintenance)	2,000
Monongahela, Pa	178,200
Appoquinimink, Murderkill, and Mispillion Rivers, Del	27,000
Broad Creek River, Del	$2,000
Broadkill, Del	5,000
Leipsic, Del	5,000
Little, Del	1,000
St. Jones, Del	5,000
Waterway between Rehoboth and Delaware Bays, Del	41,725
Nanticoke River (including Marshyhope Creek), Del. and Md	3,600
Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md. (See Harbors.)	
Susquehanna River, Md	51,280
James, Va	75,000
Mattaponi and Pamunkey Rivers and Occoquan Creek, Va	15,000
Onancock River, Va	1,000
Pagan, Va	1,000
Rappahannock, Va	25,000
Upper Machodoc Creek, Va	3,200
Waterway, Norfolk to Beaufort Inlet, Va. and N. C	800,000
Bay River, N. C	1,000
Fishing Creek, N. C	1,500
Neuse and Trent Rivers, N. C	12,000
New River and waterways to Beaufort, N. C	5,000
Northeast, Black, and Cape Fear, N. C	12,000
Shallotte, N. C	9,845
Swift Creek, N. C	500
Waterways connecting Core Sound and Beaufort Harbor, N. C	20,000
Waccamaw, N. C. and S. C	30,000
Great Pedee, S. C	15,000
Santee, Wateree, and Congaree Rivers, S. C	60,000
Flint, Ga	15,000
Satilla River, Ga	10,000
Altamaha, Oconee, and Ocmulgee Rivers, Ga	40,000
Chattahoochee River, Ga. and Ala	80,000
Coosa River:	
At Mayos Bar	30,000
Between Roome and Dam No. 4	25,000
Lock and Dam No. 4 and Dam No. 5	81,000
Waterway, Savannah, Ga., to Fernandina, Fla	100,000
Channel, Apalachicola River to St. Andrews Bay, Fla	130,000
Apalachicola River (cut-off, Lee Slough, lower and upper Chipola Rivers), Fla	7,000
Caloosahatchee River, Fla	2,000
Crystal, Fla	2,000
Holmes, Fla	2,500
Indian, Fla	22,000
Manatee, Fla	5,000
Orange, Fla	1,000
St. Johns River, Fla.:	
Jacksonville to Palatka	19,600
Palatka to Lake Harney	42,200
Withlacoochee, Fla	5,000
Choctawhatchee, Fla. and Ala	9,000
Escambia and Conecuh Rivers, Fla. and Ala	8,000
Alabama, Ala	100,000
Black Warrior, Warrior, and Tombigbee Rivers, Ala	1,338,500
Tombigbee River, Ala. and Miss.:	
Mouth to Demopolis, Ala	12,500
Demopolis to Walkers Bridge, Miss	15,000
Big Sunflower, Miss	120,000
Pascagoula and Leaf, Miss	14,000
Pearl, Miss	37,000
Wolf and Jordan, Miss	5,000
Yazoo River and tributaries, Miss. (Yazoo, Tallahatchie, Big Sunflower, and Coldwater Rivers; Tchula Lake; Steele and Washington Bayous; Lake Washington; Bear Creek)	40,000

Water hyacinth in Mississippi, Louisiana, and Texas		$15,000
Bayous Bartholomew, Macon, D'Arbonne, and Corney; and Boeuf and Tensas Rivers, La		16,000
Bogue Falia, Bayou Manchac, and Amite, Chefuncte and Tickfaw Rivers, La		7,000
Bayou Lafourche, La		2,000
Bayou Queue de Tortue		1,000
Bayou Teche, La		40,000
Bayou Vermilion and Mermentau River, La		16,200
Waterway, Mermentau River to Sabine River, La. and Tex		190,000
Red River, La., Ark., and Tex. and Okla.:		
Below Fulton, Ark		75,000
Fulton, Ark. to mouth Washita River		42,000
West Galveston Bay channel and tributary streams, Texas		25,000
Brazos River, Tex.:		
Old Washington to Waco, locks and dams		250,000
Velasco to Old Washington, maintenance		25,000
Trinity River, Tex.:		
Between mouth and Dallas		255,000
Open-channel work, maintenance		15,000
Waterway on coast of Texas		50,000
Cypress Bayou, La. and Tex		500
Ouachita River, Ark. and La		202,500
Arkansas River, Ark. and Okla		48,000
Cache, Ark		2,000
St. Francis River, including L'Anguille River and Blackfish Bayou, Ark		7,000
Saline River, Ark		3,000
White River, Ark		20,000
Black and Current, Ark. and Mo		25,000
Cumberland, Tenn.:		
Above Nashville	$5,000	
Below Nashville	5,000	
		10,000
French Broad and Little Pigeon, Tenn		15,000
Tennessee River:		
Above Chattanooga	$510,000	
Between Chattanooga and Browns Island	385,000	
Between Florence and Riverton	100,000	
Below Riverton	110,000	
		1,105,000
Ohio River (locks and dams)		1,800,000
Ohio River, maintenance by open-channel work		550,000
Rouge River, Mich		5,000
St. Joseph, Kalamazoo, and Menominee Rivers. (See Harbors.)		
Fox River, Wis		20,000
Red River of the North, Minn. and N. Dak		7,500
Illinois, Ill		100,000
Mississippi River:		
Head of Passes to mouth of Ohio	$6,000,000	
Ohio to Missouri Rivers	1,000,000	
Missouri River to Minneapolis	1,500,000	
St. Paul to Mineapolis	185,000	
		8,685,000
Missouri River, Kansas City to mouth		2,000,000
Missouri River, Kansas City to Sioux City		150,000
Missouri River, Sioux City to Fort Benton		150,000
Gasconade, Mo		10,000
Osage, Mo		15,000
Mokelumne, Cal		1,000
Petaluma Creek and Napa River, Cal		18,000
Sacramento and Feather, Cal		40,000
San Joaquin River, Fremont Channel, McLeod Lake, Stockton and Mormon Channels		186,132
Willamette and Yamhill, Oreg		42,000
Yaquina, Oreg		28,800
Columbia, at Cascades, Oreg		100,000
Columbia, between foot of Dalles Rapids and head of Celilo Falls, Oreg		600,000
Columbia and tributaries, above Celilo Falls to mouth of Snake River		40,000
Columbia, between Bridgeport and Kettle Falls, Wash		25,000
Snake, Oreg., Wash., and Idaho		25,000
Cowlitz and Lewis, Wash		23,500
Grays, Wash		500
Skagit, Wash		10,000
Chehalis, Wash. (See Harbors.)		
Total rivers		22,091,435

List of appropriations made by H. R. 28180, Sixty-second Congress, third session, for harbors.

Portland, Me	$150,000
St. Croix River, Me	75,000
Burlington, Vt	2,000
Narrows of Lake Champlain, Vt	6,000
Boston, Mass	25,000
Mystic River, Mass	25,000
Hyannis, Mass	24,000
Lynn, Mass	84,000
Nantucket, Mass	51,312
Pollock Rip Channel, Mass	125,000
Newburyport, Mass	25,000
Pawcatuck River, R. I	6,000
Providence (river and harbor), R. I	164,800
Fivemile River, Greenwich, and Westport, and Saugatuck River, Conn	5,000
Milford, Conn	5,000
Connecticut River, below Hartford	15,000
New Haven, Conn	10,000
Buffalo Harbor, N. Y	167,375
Cape Vincent, N. Y	36,000
Flushing Bay, N. Y	20,000
Great Sodus Bay, N. Y	4,000
Hempstead, N. Y	5,000
Huntington, N. Y	5,000
Mattituck, N. Y	10,000
New York Harbor, N. Y., including Ambrose Channel	200,000
East River and Hell Gate, N. Y	250,000
Newtown Creek, N. Y	30,000
Harlem River, N. Y	100,000
Gowanus Bay, Bay Ridge, and Red Hook channels	300,000
Great South Bay	5,000
Jamaica Bay	$300,000
Staten Island Sound	500,000
Arthur Kill	30,000
Bronx River	130,000
East Chester Creek	20,000
Westchester Creek	12,000
Ogdensburg, N. Y	37,970
Olcott, N. Y	4,000
Oswego, N. Y	110,000
Plattsburg, N. Y	4,000
Port Chester, N. Y	15,000
Rondout, N. Y	5,000
Saugerties, N. Y	2,500
Keyport Harbor, Matawan Creek, Raritan and South Rivers, Shoal Harbor, and Compton and Cheesequake Creeks, N. J	33,500
Pittsburgh, Pa	5,000
Newark Bay and Passaic River, N. J	300,000
Raritan Bay, N. J	20,000
Shrewsbury River, N. J	10,000
Delaware River:	
Philadelphia to the sea	1,750,000
Philadelphia to Trenton	20,000
Above Lalor Street, Trenton	114,000
Wilmington, Del	30,000
Baltimore, Md	100,000
Rockhall, Queenstown, Claiborne, and Cambridge; and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers; and Tyaskin Creek	33,510
Anacostia River (Washington, D. C., harbor)	75,000
Potomac River (Washington, D. C., harbor)	50,000
Potomac River (Lower Cedar Point Harbor)	3,000
Norfolk Harbor, Va	195,500
Beaufort Harbor, N. C	5,000
Beaufort Inlet Harbor, N. C	10,000
Cape Fear at and below Wilmington	352,940
Morehead City, N. C., harbor	2,000
Charleston Harbor, S. C	71,616
Winyah Bay, S. C., harbor	120,000
Waterway between Charleston and Alligator Creek, etc., South Carolina	25,000
Brunswick, Ga	33,250
Savannah Harbor, Ga	345,000
Above Augusta, Ga	3,470
Below Augusta, Ga	125,000
Charlotte, Fla	4,000
Fernandina, Fla	40,000
Key West, Fla	15,000
St. Petersburg, Fla	15,000
Apalachicola Bay Harbor, Fla	20,000
Clearwater Harbor and Boca Ceiga Bay, Fla., and channel to Tampa Bay	3,000
Hillsboro Bay, Fla	200,000
St. Josephs Bay, Fla	10,000
St. Lucie Inlet, Fla	100,000
Sarasota Bay, Fla	13,000
Tampa Bay, Fla	9,000
St. Johns River, Fla., Jacksonville to the sea	550,000
Mobile Harbor, Ala	255,000
Mobile Bar, Ala	20,000
Biloxi, Miss	5,000
Horn Island Pass, Miss	5,000
Gulfport, Miss	87,000
Pascagoula, Miss	110,000
Vicksburg, and Yazoo River at	10,000
Johnsons Bayou, La	2,500
Southwest Pass, Mississippi River	500,000
Galveston Channel, Tex	200,000
Galveston-Texas City Channel, Tex	200,000
Port Bolivar Channel, Tex	50,000
Sabine Pass-Port Arthur Canal Channel, Tex	400,000
Brazos River at the mouth, Tex	25,000
Aransas Pass-Corpus Christi Channel, Tex	10,000
Pass Cavallo-Port Lavacca Channel, Tex	5,000
Port Aransas (Harbor Island), Tex	500,000
Cleveland Harbor, Ohio	25,000
Conneaut Harbor, Ohio	200,000
Port Clinton Harbor, Ohio	500
Toledo Harbor, Ohio	105,000
Cheboygan Harbor, Mich	14,000
Detroit River, Mich	155,000
Frankfort Harbor, Mich	3,000
St. Marys River (at the falls), Mich	500,000
Grand Marais (harbor of refuge), Mich	20,000
Ludington, Mich	5,000
Manistee, Mich	246,000
Marquette Bay (harbor of refuge), Mich	5,000
Ontonagon, Mich	9,000
St. Joseph (harbor and river), Mich	6,000
Saugatuck (and Kalamazoo River), Mich	3,000
South Haven, Mich	3,000
Menominee (harbor and river), Mich	10,000
Ashland, Wis	40,000
Green Bay, Wis	14,000
Kenosha, Wis	24,000
Kewanee, Wis	6,000
Port Washington, Wis	4,500
Port Wing, Wis	10,000
Sheboygan, Wis	237,000
Two Rivers, Wis	4,000
Duluth-Superior, Minn. and Wis	375,280
Warroad, Minn	2,000
Zippel Bay, Lake of the Woods, Minn	1,000
Indiana, Ind	225,000
Calumet River, Ill. and Ind	20,000
Chicago River, Ill	10,000
Waukegan, Ill	18,500
Humboldt, Cal	20,000
San Pablo Bay, Cal	40,000
Los Angeles, Cal	121,000
Suisun Channel, Cal	14,500
Oakland, Cal	275,000
Redwood Creek, Cal	3,000
San Diego, Cal	35,000

Coos Bay, Oreg	$80,000
Nehalem Bay, Oreg	100,000
Coquille River, Oreg	6,000
Siuslaw River, Oreg	5,000
Columbia and lower Willamette River, Oreg	160,000
Columbia River at the mouth, Oreg	1,000,000
Puget Sound Harbor, Wash	25,000
Port Townsend Bay-Oak Bay waterway	62,500
Puget Sound-Lake Washington waterway	5,000
Grays Harbor (and Chehalis River), Wash	30,000
Honolulu Harbor, Hawaii	225,000
Total harbors	14,771,523

Mr. NEWLANDS. We are already entering upon this work in a large way, but we are entering upon it in a detached way, in an unscientific way, in a way that will not bring substantial and speedy results. Is it not time for us now to graft upon this very bill an amendment which will create a river regulation board, which will appropriate $5,000,000 annually for the plans and works of that board until the Panama Canal is completed and which will then provide a fund of $50,000,000 annually for 10 years, which will provide for the cooperation of the Nation with the States, which will provide for the cooperation of the scientific services, and which will secure full development, by the cooperation of the Nation and the States, of all the waterways of the country, in every section of the country, giving preference to no section, but providing, as we did with reference to the Reclamation Service, that so far as practicable contemporaneous work shall be conducted in all sections of the country?

We will thus lighten the labors of Congress, which are now becoming so heavy; and, with other reforms, we may hope to see the time when we can transact the public business without remaining in Washington throughout the entire year and transact that business more effectively than we do now.

This is an era of scientific inquiry and of scientific and expert work. All the great agencies of civilization are now employing the experts everywhere. This method lies at the bottom of corporate success. It lies at the bottom of almost every successful enterprise. Why should we, claiming that an American can do everything and upon the plea that we should not abdicate our functions, endeavor to cover by our individual deliberations and individual actions all the expert work that a great Nation can enter upon?

In this great era of industrial advancement can not Congress pursue the methods of the great men in finance and in corporate activities, who utilize to the highest extent the intellects of others—experts in their various capacities—and thus maintain undiminished their strength and their power? Must we always go through our legislative functions overloaded, as we are to-day, by details that can well be intrusted to others, and that ought to be intrusted to others? It is characteristic of great minds to utilize the brains of others, and only in that way can great accomplishment be reached.

The Senator from Minnesota is desirous of securing a vote on his amendment, and I will not at this time detain the Senate further. The proposal of the Senator presented such an object lesson of the necessity of a broad cooperative policy that I could not forbear making some comment, which will, I trust, be instructive in the consideration of the amendment which I will offer to-morrow, and the insertion of which I should like to be made in the RECORD.

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, viz: After line 10, page 65, insert the following:

SEC 2½. That for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end for the storage of flood waters in the watershed of such navigable rivers, including the beneficial use and control of such flood waters, in the maintenance so far as practicable of a standard flow for navigation, the reclamation of arid and swamp lands, and the development of water power; and for the protection of watersheds from denudation, erosion, and from forest fires, and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies in plans and works, having in view such river regulation and control, the sum of $5,000,000 annually for each of the years following the 1st day of July, 1913, and up to the date of the completion and opening to commerce of the Panama Canal, and thereafter the sum of $50,000,000 annually for each of the 10 years following the completion of the Panama Canal, is hereby reserved, set aside, and appropriated and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury to be known as the river regulation fund.

That of the said river regulation fund, until otherwise directed by law, one-tenth thereof shall be apportioned to the rivers on the Atlantic coast, one-tenth thereof to the rivers on the Gulf coast outside of the Mississippi River, one-fifth thereof to the Mississippi River from St. Louis to the Gulf, one-tenth thereof to the Missouri River and its tributaries, one-tenth thereof to the Ohio River and its tributaries, one-tenth thereof to the upper Mississippi River above St. Louis and its tributaries, one-tenth thereof to the Sacramento and San Joaquin Rivers and their tributaries in California, one-tenth thereof to the Columbia and Snake Rivers and their tributaries in Oregon, Washington, and Idaho, and one-tenth thereof in the connection of the Great Lakes with the Ohio and Mississippi Rivers.

That a board is hereby created, to be known as the board of rivet regulation, consisting of the Chief of Engineers of the United States Army, the chairman of the Panama Commission, the chairman of the Board of Review of the Engineer Corps of the Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Chief of the Weather Bureau, the Forester of the Department of Agriculture, the Director of the Reclamation Service, the Chief of the Drainage Division of the Department of Agriculture, the secretary of the Smithsonian Institution, one hydraulic engineer, one sanitary engineer, and one electrical engineer; the last three to be appointed by the President and to hold office at his pleasure, and each to receive an annual compensation of $7,500, payable out of the river regulation fund.

The Chief of Engineers shall be the chairman of such board, and the secretary shall be annually elected by the board from its members.

That the functions of said board shall be to investigate and obtain full information concerning all matters involved in or specifically related to the objects set forth in this section, and for such purpose is authorized to expend a suitable and necessary proportion of the moneys therein appropriated; but said board shall not expend or incur liability for the expenditure of any money for the construction or execution of plans or projects without the specific approval of Congress, as hereinafter set forth; that said board is hereby authorized and directed to enlist through the President the services of any Federal department or bureau the statutory authority of which may involve investigations or constructive work that is necessary or desirable in the comprehensive performance of the objects set forth in this section, and to bring into cooperation and to harmonize and unify the work of said departments or bureaus as may be necessary to provide against duplication or unwarranted or incomplete work with respect to the objects herein provided; and that said board is authorized to defray the expenses of such investigations or assistance to the extent of the ultimate cost thereof to said departments or bureaus through a transfer of equivalent proportions of the appropriation herein provided.

That the board shall develop, formulate, and prepare plans for the accomplishment of the purposes herein provided, and shall report the same to Congress annually and at such other times as may be required; and whenever the recommendations or any parts thereof in said report shall receive the approval of Congress the said board shall proceed to construct and execute the same in accordance with the plans so approved; *Provided*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

That the board shall in all cases where possible and practicable encourage, promote, and endeavor to secure the cooperation of State and local government bodies, public and quasi public corporations, private associations, and persons in carrying out the purposes and objects of this act, including the securing of the financial cooperation of said parties; that it shall negotiate and arrange plans for the apportionment of work, costs, and benefits, and to secure the agreement and consent of said parties, contingent upon the final approval of same by Congress as herein provided, which approval and consent may include the acceptance and use of any funds or property donated or subscribed or in any way provided for cooperative work; but no moneys shall be expended under any arrangement for cooperation approved by Congress until the funds to be provided by the parties to such arrangement shall have been made available for disbursement.

Mr. BRANDEGEE. Mr. President, I offered an amendment to the amendment and announced that I would ask the Secretary to report it to the Senate, which I now do.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

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

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

Borah	Dillingham	Martin, Va.	Root
Brandegee	Fall	Myers	Sheppard
Bristow	Fletcher	Nelson	Simmons
Bryan	Gallinger	Newlands	Smith, S. C.
Burton	Johnson, Me.	O'Gorman	Smoot
Chilton	Johnston, Ala.	Oliver	Thomas
Clapp	Jones	Page	Thornton
Clark, Wyo.	Kenyon	Penrose	Townsend
Clarke, Ark.	Kern	Percy	Warren
Crane	Lea	Perkins	Webb
Crawford	Lodge	Pittman	Williams
Cummins	McCumber	Pomerene	
Curtis	McLean	Richardson	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

Mr. KENYON. Mr. President, I do not want to insist upon my demand for the yeas and nays on this amendment and will withdraw the demand.

The PRESIDENT pro tempore. The demand for the yeas and nays on the amendment of the committee is withdrawn. The Senator from Connecticut offers an amendment to the amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the proposed amendment the following words:

Said agreement shall not be complete and operative until there shall be filed with the Secretary of War an agreement signed by the said Municipal Electric Co. and the proper authorities of the State of Minnesota in which is recognized and acknowledged the full authority of the State of Minnesota to supervise, regulate, and control the rates to be charged by said company, its successors and assigns, for the energy developed and the right of said State from time to time to readjust such rates, and the right of said State to supervise, regulate, and con-

trol said corporation, its successors or assigns, its management, stocks, bonds, or evidences of indebtedness in such manner as may be provided from time to time by the laws of said State, and the right of said State to exact from said corporation, its successors or assigns, such annual charges as may be just and reasonable, taking into account the amount spent and required to be spent by said corporation in improving the navigation of said river, and the right of said corporation to a reasonable return on the fair value of such dam and appurtenances, works, and property, allowing for the cost of construction, maintenance, and renewal.

Mr. BRANDEGEE. Mr. President, that is a sample of one of the amendments with which the Senate burdened the Connecticut River dam bill. There are several of them here, one of them authorizing the Secretary of War to cancel the permit if the company ever in any way, directly or indirectly, should become identified with any "trust" or anything of that kind. I simply had this read to show what the Senate had done in the other case; but I decline to embarrass the Senator's amendment with any such suggestions, and I withdraw the proposed amendment.

The PRESIDENT pro tempore. The amendment to the amendment is withdrawn. The question is upon the amendment of the committee.

Mr. O'GORMAN. Upon that I call for the yeas and nays.

The PRESIDENT pro tempore. The yeas and nays are demanded. Is there a second?

Mr. BORAH. Mr. President, may I ask which amendment is now to be voted upon?

The PRESIDENT pro tempore. It is the part in italics on pages 53 and 54 of the bill.

Mr. BORAH. Before that amendment is voted on I should like to know what is the difference in principle between this amendment and the Connecticut dam bill that was voted on the other day? I have been compelled to be absent for a time.

Mr. BRANDEGEE. I do not know.

Mr. NELSON. Mr. President, the main difference is that this dam is built by the Federal Government and owned by the Federal Government entirely, and this company is created by the State of Minnesota to utilize it for the purpose of furnishing electric power to the two cities of St. Paul and Minneapolis and to the State university.

Mr. BORAH. Mr. President, this amendment reads:

Such agreement shall provide for the privileges secured, thereby said corporation shall pay to the United States the fair and proportional cost of maintenance of said dam.

And so forth.

There is a difference so far as the physical facts are concerned; but there is no difference, to my mind, between the principle which is involved in this amendment and the one which was involved in the Connecticut Dam bill; that is, that the Government of the United States is proposing to impose a burden for the special benefit of navigation, which burden will finally be paid by those who use this power. It is even more objectionable than the Connecticut dam bill—it has all of its vices and none of its virtues. I can not understand how the Senate can disapprove the Connecticut bill and approve of this amendment.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator from Idaho if this difference does not exist: In the Connecticut River project the question in debate was, if the dam was raised sufficiently high to serve the purpose of navigation, did the Government own the power incidentally created or not? This amendment proposes to go to the extent of creating an addition to the dam for the purpose of creating power. The difference between the two is that one is clearly within the function of the Government—that is, to build the dam—and the only question is whether the incidental power created by that dam is Government property or not. This includes that and goes further, and grants to the Government the right to construct, at an additional cost, a dam for the purpose of generating power.

Mr. BORAH. Mr. President, I am not going to delay the vote on this matter. I have expressed myself on the other measure, so that it is not necessary to go into a discussion of it. I do not desire to delay it. But the difference which the Senator states is not a difference except in a very limited way, because the principle which is involved, in my judgment, is just the same.

Mr. SMITH of South Carolina. I should like to call the Senator's attention to this fact, because it seems to me there is such a clearly marked difference that it is not even a subject of argument. The Government has the power delegated to it to construct a dam to improve navigation, and, where the circumstances demand such action, it is obligatory. As to the incidental water power that may be generated by the use of the power of the Government, the question in the case of the Connecticut River dam was, What were the Government's rights in that incidental power? In this measure the Government builds the dam to the extent of creating the necessary depth of water for navigation, and then goes further and builds an addition to that dam for the purpose of creating additional water power for commercial purposes. It not only recognizes the right of the Government in the ownership of waters incidentally generated in the construction of the dam, but it grants it the power to build a dam for the purpose of creating a water power.

Mr. O'GORMAN. Mr. President, I desire to add a few words to what I said earlier this afternoon. In my judgment, in principle this amendment is as objectionable as the Connecticut dam bill, which was before us a few days ago. In some respects it is worse than the Connecticut dam bill. This much is clear: The Senate can not adopt this amendment without stultifying itself, and without giving encouragement to those who advocated the Connecticut dam bill to renew their efforts to have that bill passed by Congress, although this body by a large majority, a few days since, declared that its principles were obnoxious to the Constitution of the United States.

Mr. NEWLANDS. May I ask the Senator from New York whether he regards the amendment as objectionable if the State of Minnesota, or this corporation organized under its authority, will joint with the United States in the construction of the dam, the United States paying that proportion of it that is useful to navigation and the State or its agent, acting under its authority, paying that proportion which creates the power necessary for the development of electricity?

Mr. O'GORMAN. I would consider that proposition absolutely indefensible. The State of Minnesota can not enlarge the power of the Federal Government, and under the restricted and enumerated powers possessed by the Federal Government it has no right to the pretensions recognized by this measure.

Mr. NEWLANDS. The Senator, therefore, contends that in this case, where a structure in the river is necessary for navigation, and that structure can also be made available for the development of water power, it would be incompetent for the Nation to enter into an arrangement with the State by which the Nation would pay that portion of the cost which would promote navigation and the State or its agent would pay that proportion and the cost which would promote the development of electric power.

Mr. O'GORMAN. There is only one way provided by the Constitution of the United States for the reimbursement of expenses incurred by the United States Government, and that is by the taxing clause of the Constitution. The Federal Government, in disregard of the authority and limitation, can not seek to impose a specific tax upon the locality where a necessary improvement is made by the Federal Government under the commerce clause. If the navigability of a river needs improvement, it is the duty of the Government to go into that river and make the improvement, and once it is made the function of the Government is exhausted. The rights and the powers and the authority of the State remain absolutely unimpaired.

Mr. NEWLANDS. I do not think the Senator understood my question. The question that I put did not involve taxation or a charge for the use of the dam, or anything of that kind. It simply involves a case where the Nation desires to promote navigation and a dam is necessary for that purpose; and the State wishes to promote the development of hydroelectric power; and the same dam is useful for that purpose it requiring only a somewhat larger expenditure. I ask the Senator whether he objects to an arrangement by which the Nation and the State can cooperate in that work, each paying the part of the cost of the structure that belongs to its jurisdiction.

Mr. O'GORMAN. I gave, I think, a sufficient answer to that proposition; and beyond that I have to remark that that is not the proposition we are called to vote upon. That is not the proposition involved in the bill affecting the improvement of the Mississippi River.

Mr. NEWLANDS. But I was addressing myself to the question as to what arrangement could be made, in the judgment of the Senator, to promote a very highly desirable end, namely, the promotion of navigation and the development of the hydroelectric power by means of the same structure, the work involving the sovereignty and the jurisdiction of the Nation and the State, and involving a certain degree of cooperation between them. Is it the Senator's view that there can be no cooperation between the Nation and the States in a work of that kind, where each does its part, each contributes to the cost, and each receives the benefit of the use that belongs to its jurisdiction?

Mr. O'GORMAN. Each power, the Federal Government on the one hand and the State on the other, is operating within a sphere altogether its own. There is no need, as was suggested here to-day, to have this very valuable surplus water wasted. If the organization in which the cities of Minneapolis and St.

Paul and the university of the State are interested is the owner of the riparian rights, as has been stated here, I know of no reason why, without this legislation, it can not go in and make use of this surplus water to a point that will not impair the navigability of the river.

Mr. NEWLANDS. Mr. President, I simply wanted to pursue the matter with the view to securing from the Senator some solution of a very desirable object, and that is the utilization from the same structure in the interest of efficiency and economy of two uses, one the national use relating to navigation and the other the State use relating to the promotion of hydro-electric power. I wanted to have the light of the Senator's judgment as to how we could accomplish that desirable purpose within the constitutional powers of both sovereignties.

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

Mr. CLARKE of Arkansas. Mr. President, I voted against the insertion in the Connecticut River dam bill of the proposition to allow the National Government to take toll for the right to employ the surplus water created by that dam, but I shall vote for this particular amendment upon a perfectly distinct ground, or rather for a reason that is entirely distinguishable from the principle involved in that bill.

The National Government has the option of improving rivers or withholding certain improvements. All legislative powers are discretionary powers. If the National Government sees proper to make it a condition upon which it will improve a river that any incidental revenues which might be derived from the improved condition shall be devoted in part to the payment of the expense of that improvement, it is well within its rights when it insists that that shall be done.

Where the National Government sees proper to improve a river by the utilization and installation of a dam and it finds in doing so it has created a surplus of waters which can be commercially used by being employed in the creation of electric power, it has a right to sell that surplus to anyone or to harness it itself and sell it in its completed form.

In my judgment, when the National Government is not called upon to improve any particular reach of a river it has no other rights than those of navigation. If it shall be deemed proper to install a dam at a point where the dam is not necessary for the purpose of improving navigation but it is installed there for the single purpose of creating power, the National Government has no authority to deal with that structure further than to see to it that in its construction it does not operate as an obstruction to navigation.

For reasons good or bad the National Government proposes to install this dam at St. Paul and Minneapolis. If in doing so a surplus of water is created that would run to waste if it were not employed for the wholesome purpose of creating this power, it has the right to say that that power shall not run to waste, because no government was ever designed that would compel an idle, vain, foolish, or unremunerative thing to be done.

I find I have no difficulty, therefore, in drawing a distinction between the two propositions, and I shall vote to put this amendment on the bill.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from New York?

Mr. CLARKE of Arkansas. With pleasure.

Mr. O'GORMAN. May I ask a question of the Senator from Arkansas? Could not the State of Minnesota provide for the use and consumption of extra water beyond what is needed to improve the navigability of the river?

Mr. CLARKE of Arkansas. It could not; for the reason that there is a proprietary right as well as a governmental involved. When the National Government condemns a site on which to erect a dam and erects the dam, nobody without the consent of the proprietor can enter on that dam for any purpose.

Mr. O'GORMAN. Can it take more water than is necessary for the specific purpose?

Mr. CLARKE of Arkansas. It is not a question of taking water. The Government does not assume to take a drop.

Mr. O'GORMAN. It is appropriating it.

Mr. CLARKE of Arkansas. No; it is not appropriating anything.

Mr. O'GORMAN. Then what is the objection to the State providing for the use of the surplus water?

Mr. CLARKE of Arkansas. It simply has not created it. The locus is there, but it can not enter upon the premises for the purpose of doing anything with it. The dam itself belongs to the National Government. It is put upon a site condemned or seized for that purpose, and the existence of the surplus there is due to the exercise of the governmental power of the United States. The thing that prohibits invasion on the structure at that particular point is the right of proprietorship in the National Government, acquired when the Government expended money there to erect the dam. It is a proprietor as well as a government. It is a proprietor of the dam and has all the rights of possession. It has the right of protecting its possessions like any other proprietor, and you can not enter on the dam and do anything good or bad with it without the consent of the National Government. The distinction is a daylight distinction from my standpoint. I find no difficulty whatever in voting for this amendment.

Mr. BRANDEGEE. Mr. President, before the question is put I wish to make a statement that will not take 30 seconds. I voted in favor of the Connecticut River bill because I had absolutely no doubt of its entire constitutionality, inasmuch as the payment provided for by the company to the Government was to be expended for purposes of improving the navigability of the stream, and for those purposes only.

As to this provision, I have some doubt about its constitutionality; but in order that the question may be adjudicated by the Supreme Court I shall vote in favor of this provision. I consider that it is fairly well adapted to raise the question squarely in the court.

Mr. CLARKE of Arkansas. May I ask the Senator from Connecticut whether he proposes to offer the Connecticut River dam bill as an amendment to this bill?

Mr. BRANDEGEE. The Connecticut River dam bill as it passed the Senate by a very large majority, with the amendments, I expect will be offered later on, at a proper time, when the bill is being considered for amendments by individual Senators.

Mr. CLARKE of Arkansas. I take advantage of the circumstance while I am on my feet at this time to say——

Mr. NELSON. The Senator from Connecticut does not offer it as an amendment at this time?

Mr. BRANDEGEE. Not at all.

Mr. CLARKE of Arkansas. The reason why I think the Minnesota case is distinguished from that is because of the fact of the proprietorship of the National Government of the dam and the right to utilize any incidental value that may be created by it. It is the same as if the National Government owned a military reservation or an Army post and a railroad sought to cross it. If the use by the railroad company would be entirely consistent with its use as an Army post, there would be no reason why the National Government should not be paid for that right.

A Senator near me suggests that as the Connecticut River dam is entirely constructed by a private corporation and at its own expense the National Government has no part in the erection of the dam, and therefore has no proprietary interest to protect.

Mr. JONES. The amendment is open to amendment, is it not?

The PRESIDENT pro tempore. It is open to amendment.

Mr. JONES. I wish to move to strike out all of lines 22, 23, 24, and 25 on page 53, and lines 1 and 2 on page 54.

The PRESIDENT pro tempore. The Senator from Washington moves to strike out certain lines in the amendment, which will be read.

The SECRETARY. On page 53, beginning with line 22, strike out:

> And also pay in addition an annual sum of 4 per cent upon such amount as the United States shall have invested and expended in the completion of the project by which such water power is developed and maintained over and above the amount actually expended and which would have been expended in completion of the project for navigation only.

Mr. JONES. Mr. President, just a word. I understand this dam was built for the purpose of creating and perfecting navigation. If in the building of it the Government has had some property in the water that it has to a certain extent impounded, I do not believe it ought to make any charge for the use of water that is not necessary for navigation purposes.

I understand this is a municipal corporation. Every cent imposed upon this power will have to be paid by the people. Therefore I think the Government ought not to make this charge, but it should let the people of St. Paul and Minneapolis get the benefit of it.

That is the reason why I have moved to strike out the clause which has been read at the desk.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] The nays appear to have it.

Mr. JONES. I ask for the yeas and nays.

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

Mr. BOURNE (when his name was called). I have a temporary pair with the Senator from Alabama [Mr. BANKHEAD]. Consequently I do not feel at liberty to vote. If I were at liberty to vote, I would vote "nay."

Mr. CHILTON (when his name was called). I have a pair with the Senator from Illinois [Mr. CULLOM]. I do not know how he would vote on this question.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. As that Senator is absent because of illness, I withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As that Senator is not in the Chamber, I will withhold my vote.

Mr. KERN (when his name was called). I have a general pair with the Senator from Kentucky [Mr. BRADLEY]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. CLARK of Wyoming. I will transfer my pair with the Senator from Missouri [Mr. STONE] to the junior Senator from Idaho [Mr. BRADY] and vote. I vote "yea."

Mr. TOWNSEND. I should like to announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent and that he is paired with the junior Senator from Missouri [Mr. REED].

Mr. CHILTON. I transfer my pair to the junior Senator from Maine [Mr. GARDNER] and vote. I vote "nay." While I am on my feet I wish to announce the absence, on account of illness, of my colleague [Mr. WATSON], and that he is paired with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 10, nays 54, as follows:

YEAS—10.

Borah	Johnston, Ala.	Smith, Ariz.	Williams
Clark, Wyo.	Jones	Thornton	
Fall	O'Gorman	Tillman	

NAYS—54.

Ashurst	Curtis	Martine, N. J.	Sheppard
Brandegee	Dillingham	Myers	Simmons
Bristow	Dixon	Nelson	Smith, Ga.
Bryan	Fletcher	Newlands	Smith, S. C.
Burnham	Gallinger	Oliver	Smoot
Burton	Gamble	Overman	Stephenson
Catron	Gronna	Page	Sutherland
Chamberlain	Johnson, Me.	Penrose	Swanson
Chilton	Kenyon	Percy	Thomas
Clapp	Lea	Perkins	Townsend
Clarke, Ark.	Lodge	Poindexter	Webb
Crane	McCumber	Pomerene	Wetmore
Crawford	McLean	Richardson	
Cummins	Martin, Va.	Root	

NOT VOTING—31.

Bacon	Cullom	Kavanaugh	Shively
Bankhead	du Pont	Kern	Smith, Md.
Bourne	Foster	La Follette	Smith, Mich.
Bradley	Gardner	Lippitt	Stone
Brady	Gore	Owen	Warren
Briggs	Guggenheim	Paynter	Watson
Brown	Hitchcock	Pittman	Works
Culberson	Jackson	Reed	

So Mr. JONES's amendment to the amendment was rejected.

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

Mr. KENYON. On that I demand the yeas and nays.

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

Mr. BOURNE (when his name was called). I have a temporary pair with the Senator from Alabama [Mr. BANKHEAD], but I am at liberty to vote "yea" on this question, knowing that, if present, the Senator from Alabama would vote in that way. I therefore vote. I vote "yea."

Mr. CHILTON (when his name was called). I transfer my pair with the senior Senator from Illinois [Mr. CULLOM] to the Senator from Alabama [Mr. BANKHEAD], and vote. I vote "yea."

Mr. DU PONT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. As I do not know how he would vote on this question if present, I withhold my vote.

Mr. KERN (when his name was called). I again announce my pair with the Senator from Kentucky [Mr. BRADLEY], and withhold my vote, not knowing how he would vote if present.

The roll call was concluded.

Mr. CHILTON. I wish again to announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS]. I will let this announcement stand for the remainder of the day.

The result was announced—yeas 46, nays 16, as follows:

YEAS—46.

Ashurst	Cummins	Martin, Va.	Simmons
Bourne	Curtis	Martine, N. J.	Smoot
Brandegee	Dillingham	Nelson	Stephenson
Bristow	Dixon	Newlands	Sutherland
Burnham	Fletcher	Oliver	Swanson
Catron	Gallinger	Page	Tillman
Chamberlain	Gamble	Penrose	Townsend
Chilton	Gronna	Percy	Webb
Clapp	Lea	Perkins	Wetmore
Clarke, Ark.	Lodge	Pomerene	Williams
Crane	McCumber	Richardson	
Crawford	McLean	Root	

NAYS—16.

Borah	Fall	Myers	Smith, Ariz.
Bryan	Johnson, Me.	O'Gorman	Smith, S. C.
Burton	Johnston, Ala.	Poindexter	Thomas
Clark, Wyo.	Kenyon	Sheppard	Thornton

NOT VOTING—33.

Bacon	Foster	La Follette	Smith, Md.
Bankhead	Gardner	Lippitt	Smith, Mich.
Bradley	Gore	Overman	Stone
Brady	Guggenheim	Owen	Warren
Briggs	Hitchcock	Paynter	Watson
Brown	Jackson	Pittman	Works
Culberson	Jones	Reed	
Cullom	Kavanaugh	Shively	
du Pont	Kern	Smith, Ga.	

So the amendment was agreed to.

Mr. McLEAN. Mr. President, in view of the character of the amendment which has just been adopted to the river and harbor bill, I desire to give notice that at the proper time I shall offer as an amendment Senate bill 8033, which is the Connecticut River dam bill, which passed the Senate the other day with several amendments attached. For the information of the Senate, I will say that the amendment which I shall offer is the bill as it passed the Senate; that is, it includes the amendment offered by the Senator from Alabama [Mr. BANKHEAD], the amendment offered by the Senator from Washington [Mr. JONES], and the amendment offered by the Senator from Idaho [Mr. BORAH].

Mr. NELSON. Mr. President, we have now disposed of all the amendments to the pending bill except the two amendments in which the Senator from Missouri [Mr. STONE] is interested, which we have agreed should lie over until to-morrow, and the amendment which the Senator from Connecticut [Mr. McLEAN] proposes to offer to-morrow. I therefore ask that the bill may be now laid aside.

Mr. THOMAS, Mr. PERCY, and others addressed the Chair.

The PRESIDENT pro tempore. One Senator at a time, please. The Senator from Colorado [Mr. THOMAS] first addressed the Chair, and the Chair will recognize him.

Mr. THOMAS. Mr. President, I want to ask unanimous consent to take up a measure, but I shall do that later.

Mr. NEWLANDS. Mr. President, I wish to make a statement in connection with the statement made by the Senator from Minnesota [Mr. NELSON]. I shall also ask a vote to-morrow upon the amendment which I have offered providing for the creation of a river regulation board.

Mr. NELSON. Certainly; the Senator's amendment will come up to-morrow. I ask now that the bill be laid aside for the day.

Mr. BORAH. Mr. President——

Mr. PERCY. I should like to ask the Senator from Minnesota a question in regard to the bill.

The PRESIDENT pro tempore. The bill, under the agreement made this afternoon, will necessarily go over, as an agreement was reached that committee amendments should first be considered, and there are such amendments which are to be considered to-morrow.

Mr. PERCY. What I wished to ask does not relate to that, Mr. President. I wish to know what disposition was made of the amendment offered proposing to appropriate $250,000 to the city of Memphis? Did that go out, as I understand, on a point of order?

Mr. NELSON. I will state that the Senator from Mississippi made the point of order, and the point was sustained. That is my recollection.

Mr. PERCY. That is my recollection of it.

Mr. NELSON. I ask that the pending bill may be laid aside.

Mr. BORAH. Mr. President, before that is done I want to say that I shall offer some amendments to the bill to-morrow, and I presume that will be in order.

The PRESIDENT pro tempore. That will be in order. Without objection, the bill will be laid aside.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. CURTIS. I move that the Senate proceed to the consideration of House bill 28607, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, which had been reported from the Committee on Appropriations with amendments.

Mr. CURTIS. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first disposed of.

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

The Secretary proceeded to read the bill.

The first amendment was, under the subhead "Boundary line, Alaska and Canada, and the United States and Canada," on page 12, line 7, after the word "notes," to strike out "$100,000" and insert "$105,000," so as to make the clause read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary to reduce field notes, $105,000, together with the unexpended balance of previous appropriations for these objects.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to strike out:

FISHERIES CONVENTION, UNITED STATES AND CANADA.

For the payment of the compensation of a commissioner on the part of the United States under the convention between the United States and Great Britain concerning the fisheries in waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 11, 1908, and of the share of the United States of the expenses that may be incurred in carrying out the convention during the fiscal year ending June 30, 1914, $2,000.

The amendment was agreed to.

The next amendment was, under the subhead "Waterways treaty, United States and Great Britain: International Joint Commission, United States and Great Britain," on page 18, line 22, after the name "District of Columbia," to insert "expense of printing"; and, on page 19, line 16, after the word "purpose," to insert "to be disbursed under the direction of the Secretary of State," so as to make the clause read:

For salaries and expenses, including salaries of commissioners and salaries of clerks and other employees appointed by the commissioners on the part of the United States with the approval solely of the Secretary of State, including rental of offices at Washington, D. C., expense of printing, and necessary traveling and other expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and other purposes, signed January 11, 1909; as well as for the payment of necessary expenses incurred and compensation for services rendered under the direction of the Secretary of State in the examination and preparation of cases involving the use, distribution, or diversion of waters and other questions or matters of difference covered by the treaty of January 11, 1909, between the United States and Great Britain, and in representing this Government and the American interests involved in the presentation of such cases before the International Joint Commission constituted under that treaty, the unexpended balance of the appropriation made for this object for the fiscal year 1913 is hereby reappropriated and made available for this purpose, to be disbursed under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 19, after line 21, to insert:

Contribution toward the adornment of the Peace Palace at The Hague: To enable the United States to contribute to the adornment of the Palace of Peace at The Hague, by sending some object of art of national production, $30,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships: For the participation of the United States by official technical delegates at the international conference to be called by the British Government to meet in London during the year 1913 for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, $5,000, to be immediately available.

The amendment was agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JEANIE G. LYLES.

Mr. THOMAS. I ask unanimous consent for the present consideration of the bill (S. 8404) for the relief of Jeanie G. Lyles.

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

The Secretary read the bill.

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

Mr. SMOOT. Mr. President, I desire to ask the Senator from what committee the bill is reported?

Mr. THOMAS. It was reported on February 17 from the Committee on Claims by the Senator from South Dakota [Mr. CRAWFORD].

Mr. SMOOT. Is there a printed report accompanying the bill?

Mr. THOMAS. There is a printed report.

Mr. SMOOT. All I wish to say is that, if this bill should become a law, it would be entering upon a policy which I think would lead to the expenditure of a great deal of money. I was not present in the Claims Committee when the bill was passed upon, and I do not like to offer an objection as against the chairman of that committee; but it does seem to me that it is a very dangerous precedent to establish, and that such a bill should not be passed unless there is some real good reason for so doing.

Mr. THOMAS. There is, Mr. President, and I think the report of the committee will disclose the reason. The report is brief, and I ask that it may be read.

The PRESIDENT pro tempore. Without objection, the report will be read.

The Secretary proceeded to read the report submitted by Mr. CRAWFORD on the 17th instant, and read as follows:

The Committee on Claims, to whom was referred the bill (S. 8404) for the relief of Jeanie G. Lyles, having considered the same, report thereon with a recommendation that it do pass.

The right of the claimant to the sum allowed and recommended by this committee is based upon an invention of an attachment to a packsaddle for carrying a rapid-firing gun on horseback, by First Lieut. De Witt C. Lyles, of the Twentieth United States Infantry, who died in the general hospital, Washington Barracks, December 9, 1903, and who was a son of the claimant. This young officer, while serving in the Philippine War, was afterwards required to go into rough and mountainous country to fight the enemy, and was forced to carry his rapid-firing gun on horseback, which was very unhandy. To obviate the difficulty he invented a frame, or attachment to a saddle, which was adopted by the War Department, and has been in general use ever since as a military device for carrying rapid-firing guns overland on horseback.

This invention was patentable, but no patent was taken out by the inventor; and as it does not appear from the evidence that he spent any time from his military duties in working out this invention, and inasmuch as the Government has received as much benefit from its use as it could have done had it been patented, in which case the Government would have been required to pay the inventor a royalty, it is deemed by the committee that it is right and proper for the Government of the United States to pay about what the royalty would be had the invention been patented. In order to arrive at an equitable allowance the whole question has been submitted to the War Department, and we are advised by that department that $2,500 would not be excessive, with a recommendation to pay that amount. The committee did not agree altogether with this recommendation, but in their better judgment they have recommended the payment, in full satisfaction of the claim, of the sum of $1,500.

The committee was further prompted in making this recommendation by the feeling that we ought to encourage inventions useful to the Army by those who are engaged in our military service by paying whatever is reasonable for such inventions. It was estimated in 1910 by the War Department that more than 3,000 of these packsaddle attachments were either in use or ordered to be put in use in the United States Army.

The claimant is shown to be dependent upon the invention for support.

Mr. SMOOT. Mr. President, I will say that that bill will lead to quite a good deal of discussion if it is proceeded with, and therefore I object to its consideration at this time.

The PRESIDENT pro tempore. The Senator from Utah objects.

GREAT KANAWHA RIVER BRIDGE, WEST VIRGINIA.

Mr. CHILTON. I ask unanimous consent for the present consideration of the bill (H. R. 28187) to authorize the construction, maintenance, and operation of a bridge across and over the Great Kanawha River, and for other purposes. This bill, and another which I shall also ask to have taken up, are very important to my State and the localities interested. They are both reported favorably from the Committee on Commerce.

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

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

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

MONONGAHELA RIVER BRIDGE, WEST VIRGINIA.

Mr. CHILTON. I now ask the Senate to take up for consideration the bill (H. R. 27837) to authorize the Buckhannon

& Northern Railroad Co. to construct and operate a bridge across the Monongahela River, in the State of West Virginia.

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

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

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

PACKAGES UNDER FOOD AND DRUGS ACT.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

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

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Manufactures with amendments, on page 2, line 7, after the words "*Provided, however*," to strike out "That reasonable variations shall be permitted and tolerances shall be established by rules and regulations made in accordance with provisions of this act" and insert "That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where in his judgment exactness is impracticable, and shall keep a record thereof: *Provided further*, That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less," and, in line 22, before the word "months," to strike out "twelve" and insert "eighteen," so as to make the bill read:

Be it enacted, etc., That section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, be, and the same is hereby, amended by striking out the words "Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package" and inserting in lieu thereof the following:

"Third. If in package form, the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count: *Provided, however*, That the Secretary of Agriculture is authorized to establish rules and regulations permitting reasonable variations where in his judgment exactness is impracticable, and shall keep a record thereof: *Provided further*, That the provisions of this paragraph shall not apply to articles in packages or containers when the retail price of such article is 6 cents or less."

SEC. 2. That this act shall take effect and be in force from and after its passage: *Provided, however*, That no penalty of fine, imprisonment, or confiscation shall be enforced for any violation of its provisions as to domestic products prepared or foreign products imported prior to 18 months after its passage.

The amendments were agreed to.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PUBLIC HEALTH SERVICE.

Mr. FLETCHER. I ask unanimous consent for the present consideration of the bill (S. 7722) to promote the efficiency of the Public Health Service.

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

Mr. SMOOT. Mr. President, I have not the papers with me, as I did not expect the bill to come up at this time. I desire to offer certain amendments to it, and then I shall have no objection to its consideration. I therefore ask the Senator from Florida to let it go over.

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

WASHINGTON-OREGON CORPORATION.

Mr. JONES. I ask unanimous consent for the present consideration of the bill (S. 8233) authorizing the Secretary of War to relieve the Washington-Oregon Corporation, as far as he may deem advisable in the public interests, from certain conditions in an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric transmission lines across the Vancouver Military Reservation, in the State of Washington," approved August 9, 1912. I will state that this is a short bill, and is purely a local one.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

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

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 21, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 20, 1913.*

The House met at 10.30 o'clock a. m.

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

O Thou who didst call us into being and hast endowed us with marvelous faculties of mind and soul, we realize the great responsibility which comes with these precious gifts and we most humbly and devoutly pray for wisdom, strength, and grace that we may use them for the uplift of humanity and the betterment of our individual life, that Thy kingdom may come and Thy will be done in every heart as it was in the heart of the Christ. Amen.

The Clerk began the reading of the Journal of the proceedings of yesterday.

Mr. RODDENBERY. Mr. Speaker, I make the point that no quorum is present.

Mr. HARDWICK. Mr. Speaker, I move a call of the House.

Mr. RODDENBERY. I withdraw the point of order of no quorum, Mr. Speaker.

Mr. HARDWICK. Then I withdraw the motion for a call of the House.

The Clerk completed the reading of the Journal, which was approved.

CALIFORNIA SCHOOL LAND INDEMNITY SELECTIONS.

Mr. RAKER. Mr. Speaker, the bill S. 5068 is on the calendar, and the Committee on the Public Lands will not have an opportunity to get into their report the decision of the Commissioner of the General Land Office, and I ask unanimous consent that that report and decision be printed in the RECORD, so that it may be available when the bill comes up for consideration before the House.

The SPEAKER. The gentleman from California asks unanimous consent to have the document which he refers to printed in the RECORD. Is there objection?

There was no objection.

The document is as follows:

CALIFORNIA SCHOOL LAND INDEMNITY SELECTIONS—LAKE PROTESTS.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 18, 1913.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to submit the following memoranda and recommendations with reference to the "Lake protests" against the certification of certain school land indemnity selections pending on behalf of the State of California in the General Land Office.

These protests attack the validity of selections made under the procedure authorized by the departmental decision found in 28 L. D., 57, in which it was held:

"Where a forest reservation includes within its limits a school section surveyed prior to the establishment of the reservation, the State under the authority of the first proviso to section 2275, Revised Statutes, as amended by the act of February 28, 1891, may be allowed to waive its right to such section and select other land in lieu thereof."

This decision was rendered January 30, 1899, notwithstanding the fact that Judge Wellborn, in the case of Hibberd *v.* Slack (84 Fed. Rep., 571), December 6, 1897, had taken a substantially contrary view of the proper construction of sections 2275 and 2276, Revised Statutes, as amended by the act of February 28, 1891. While no reference was made to the Hibberd case in the departmental decision, it was, however, not because the decision was not known, but rather apparently for the reason it was not regarded as of controlling effect, and it was later so expressly stated (34 L. D., 599). In any event the department adhered to the position taken in this matter of exchange and later followed it in the adjustment of the school grant to other States, notably in the reported cases of Dunn et al. *v.* State of California (30 L. D., 608), Territory of New Mexico (29 L. D., 364, and 34 L. D., 599); also in the case of State of California (34 L. D., 613).

Under these rulings a large number of school indemnity selections, probably aggregating 200,000 acres, were made by the State of California wherein were designated as bases sections 16 and 36 in forest reservations that were established subsequent to the public survey. These selections would doubtless have passed to certification had it not been for other difficulties encountered in the adjustment of the California school grant, which led practically to a suspension of all certificates for a number of years, a condition which only recently has ceased to exist.

The State continued to make selections, using as bases therefor surveyed school sections situated in national reservations, for several years, but as efforts were made to purchase the bases so used, and acting under the advice of the attorney general of the State, the Thompson Act was passed by the California Legislature March 24, 1909. This act made radical changes in the manner of administering the school grant, and, among other things, provided:

"All selections heretofore made by the Surveyor General and which are now pending before the Land Department of the United States based upon surveyed school sections situated within the exterior boundaries of a permanent reservation, shall be, if accepted by the United States Land Department, deemed to be valid bases, and upon the listing of such lands the title of the State to such surveyed school sections shall pass to and vest in the United States."

November 29, 1909, Fred W. Lake, of Oakland, Cal., addressed a letter to the General Land Office, as follows:

"Please be advised that clients of mine claim in place the school lands enumerated in list inclosed, and which lands, I understand, have been offered as bases for lieu selections that are now pending and undetermined in your office.

"These are surveyed lands, the fee whereof vested in the State of California upon survey and before they were offered as bases. While they might be surrendered as bases under the act of Congress of February 28, 1891, amending sections 2275 and 2276 of the Revised Statutes, such surrender and use was legally impossible until authorized by act of the State legislature. Your attention is called to the fact that until the passage of the act of March 24, 1909, no such legislation was ever had in California. It is the claim of my clients that until that date surveyed school sections in place were not legally available for use in California as bases, and that their designation as such by the State land officer was ultra vires and void. In an opinion rendered to the Surveyor General, the State's attorney general so advised in 1907.

"Before March 24, 1909, clients of mine duly claimed and appropriated the land enumerated in list inclosed under the laws of the State of California providing for the sale of school lands. By the proceedings had they instituted between themselves and the State contracts for the purchase and sale of these lands, and these contracts, they contend, are still subsisting and unexecuted. Suits in the courts of the State to enforce these contracts have been brought in some of the cases, and in due course and shortly will be brought in all of them. The purpose of this letter is to put you upon notice of these claims to the school lands in place."

Receipt of this letter was acknowledged, but no formal response was made until April 4, 1910, when Mr. Lake was advised:

"It is well settled that in adjusting congressional grants of land to the State the executive officers of the United States have no jurisdiction to review transactions between the State and the purchaser, nor between the State and its locating agent and determine whether such purchasers or location agents complied with the provisions of the laws relating to the sale of the lands. (Frasher *v.* O'Connor, 115 U. S., 102.)

"Under the general rule of law announced in this case and the section of the Political Code of California, just quoted, the surveyor general of the State is the party with whom the United States must deal in adjusting the school-land grant, and, so far as known to this office at the present time, if the lands to which you refer have, as a matter of fact, been offered in exchange under section 2275, Revised Statutes, they have been offered in accordance with the laws of the State and of the United States. This office, therefore, can not be controlled in the adjustment of said school grant by litigation between the State and would-be purchasers."

And the list accompanying his letter was accordingly returned to him.

By letter of April 14, 1910, Mr. Lake again transmitted the lists of lands in which he alleged that his clients had an adverse interest, again urging their claims and closing with the statement:

"I return again the list of school sections claimed by my clients in place. Perhaps on further consideration of the matter you will think it proper to at least keep this list for reference in your office."

Thereafter Mr. Lake, by letter of May 16, 1910, inclosed to the department copies of the correspondence between the land office and himself on the subject of the claimed rights of his clients. This letter was acknowledged on June 7, 1910, by Secretary Ballinger, but so far as the files disclose no other response was made until after report was received from the State.

By letter of June 11, 1910, the General Land Office submitted to the State surveyor general of California a copy of the list of lands accompanying the protest of Mr. Lake and requested advice in the premises with such statements as might be deemed appropriate or necessary in connection with the adjudication of the State's pending selections. At that time a caveat was put on the status cards in the land office showing the assertion of the claims to the base lands by Lake's clients.

October 19, 1910, the attorney general of the State of California, acknowledging the receipt of the letter of June 11, 1910, to the surveyor general, responded at length, but confined his answer largely to the situation in the school-indemnity question as it existed in California after the passage of the Thompson Act of March 24, 1909, concluding as follows:

"From the foregoing it is apparent:

"First. That as to all selections made subsequently to March 24, 1909, no question can arise as to the authority of the surveyor general to assign surveyed sixteenth and thirty-sixth sections, situated within the exterior boundaries of permanent forest reservations, as bases for indemnity selections.

"Second. All selections made by the surveyor general prior to March 24, 1909, and April 24, 1909, and based upon surveyed sixteenth and thirty-sixth sections are recognized as and declared to be good and valid.

"The applications referred to by Mr. Lake were presented prior to March 24, 1909, and in a number of cases he has commenced mandate proceedings to compel the surveyor general to file the same. In view of this fact I have advised the surveyor general to submit to you a list of those sections for which Mr. Lake presented applications, and also a list of those selections made since March 24, 1909, under the provisions of the Thompson Act.

"As to the latter, as above stated, the surveyor general has full authority to assign surveyed bases, and Mr. Lake's objections would not apply thereto. As to the former I shall notify you of the result of the litigation commenced by him. It is not the desire of the State to have your department list any selection where the validity of the bases assigned may be at all doubtful, but there can be no question in view of the legislation above referred to, as to any such surveyed bases."

The next action in this matter appears to have been taken June 16, 1911, when the following departmental letter was addressed to Mr. Lake.

"I have received your letter of June 9, 1911, inclosing a copy of a letter addressed to the department May 16, 1910, relative to certain surveyed sections 16 and 36 in the State of California, which have been designated by the State surveyor general as bases for indemnity selections. It appears from your letter that the base lands were then and are now claimed by certain citizens of the State adverse to their designation as bases, and that these claims are now in process of litigation in the State court.

"In reply I have to advise you that a list of the school selections claimed by your clients is now on file in the General Land Office, and notation has been made on the records of that office showing that claims have been asserted to said lands under the State laws. No selection will be listed or certified to the State where the validity of the bases is at all doubtful, and until the result of the pending litigation affecting these school sections is announced, the selections based thereon will remain suspended in the General Land Office."

There is now pending before Congress Senate bill No. 5068, which provides:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, * * * and any such exchange, whether heretofore or hereafter approved, shall restore full title in the United States to the base land without formal conveyance thereof by the State."

This act contemplates, on behalf of the United States, the same legislative action in the matter of authorizing the exchange of school lands as that now involved in the Lake protest. In other words, both the State of California and Congress will have legislated favorably upon the procedure adopted in the department in 1899.

At the present time none of the Lake suits has been pressed to a conclusion, and so far as known here, no immediate intention of such action is entertained, either by Lake or the State. It has come to the official knowledge of this office in many instances that parties holding under school indemnity selections that are in all respects ready for action, were it not for the pendency of the Lake protest, have, in order to secure favorable action upon their selections, secured, as to them, the relinquishment and abandonment of the Lake protest for a money consideration paid to him. It thus appears that the continued suspension of action on the selections because of the Lake protest will cause indefinite delay, and has unwittingly brought about a condition that has induced at least some of the purchasers of the selected lands to believe it is necessary, in order to get action on their selections, to procure a waiver or release of Lake's claim or protest.

The beneficiaries of the State selections being the real parties in interest have no available method of expediting or procuring the disposition of the litigation between Lake and the State, or, so long as the suspension continues, of getting action in the department on the selections in which they are interested. They are, therefore, protesting against the suspension and are urging the revocation thereof, and in this have been joined by the State. These things have raised the question of the propriety of longer continuing this order of suspension. The whole matter, including suggestions made by Mr. Lake and others interested with him, has been carefully considered, and after mature deliberation it is recommended:

1. The passage of the pending bill in Congress should be secured, the exclusion of the proposed Idaho amendment first being insisted upon.

There is nothing in Lake's contention as to the contractual rights secured by his clients through a mere rejected application to purchase. This proposition was fully considered in practically a similar case arising in California. The court held:

"Where there is no contract and no vested right in the intending purchaser, the withdrawal of the lands from sale by repeal of the statute authorizing sale, or otherwise, absolutely terminates the power of the officers of the Government to take the steps necessary to transfer the title." (Messenger *v.* Kingsbury, 158 Cal., 611.)

The passage of such an act as the one now in contemplation is no more than a congressional declaration of the principles of exchange found in the statute by the department, and while it is not a legal necessity to give vitality to those sections, it will doubtless serve to inspire confidence in titles now thought by some to be doubtful.

2. Mr. Lake's contention should be ignored, whether Congress enacts this or similar legislation. The order of June 16, 1911, in which Mr. Lake was advised that "until the result of the pending litigation affecting these school selections is announced the selections based thereon will remain suspended in the General Land Office," should be revoked.

The order was issued after apprising the State of Mr. Lake's contentions and receipt of response from the attorney general of the State, in which he reported commencement of mandamus proceedings to compel the surveyor general to file the Lake offers to purchase, it being assumed that the cases would be vigorously prosecuted to a final determination and that no objection to the suspension would be made by the State, in view of the fact that the attorney general reported that he had advised the surveyor general to submit to me a list of these selections for which Mr. Lake presented applications. The State is now urging revocation of the rule of suspension, and as the Lake protests seem to rest alone upon the circuit court decision in the case of Hibberd *v.* Slack, which the department has specifically refused to follow, as many selections have been heretofore approved in contravention of said decision, and as the the department even to-day is approving like selections where not included within the Lake protest, there would seem to be no real justification for longer suspending action merely because of these protests. It is therefore evident that no reason longer exists why the department should not proceed in the orderly administration of the school grant to the State of California and give no further attention to the Lake protest. This action is therefore recommended, due notice to be given to the State officials and also to Mr. Lake.

Respectfully, FRED DENNETT, *Commissioner.*

FEBRUARY 18, 1913.

Recommendation approved.

WALTER L. FISHER, *Secretary.*

BUREAU OF MINES.

Mr. FOSTER. Mr. Speaker, I call up the conference report on the bill H. R. 17260, to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines."

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 1552).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, and 8, and agree to the same.

That the Senate recede from its amendment numbered 9.

M. D. FOSTER,
W. B. WILSON,
JOSEPH HOWELL,
Managers on the part of the House.

MILES POINDEXTER,
GEO. SUTHERLAND,
Managers on the part of the Senate.

STATEMENT.

The committee of conference on the disagreeing votes of the two Houses begs leave to submit the following statement on Senate amendments to H. R. 17260:

The House conferees receded from its disagreement to Senate amendments as follows:

(1) Page 2, line 10, strike out the word "direction" and insert "approval," as it is thought the word "approval" is in better form than that of "direction," as the Director of the Bureau of Mines directs the work with the approval of the Secretary of the Interior.

(2) Page 2, line 15, after "and," inserting the words "conserving resources through" more clearly defines the scope of the act, and for this reason receded to its disagreement of the amendments.

(3) Page 2, line 18, strike out the comma after "industries" and insert a semicolon.

(4) Page 2, line 18, strike out "the" before the word "peat," as the word is superfluous.

(5) Page 2, line 19, after "peat" insert a semicolon.

(6) Page 2, line 19, after the word "and" insert the words "on behalf of the Government to investigate," as it more clearly defines the intention of the act and it makes it clear that the investigations are to be done on behalf of the Government of the United States.

(7) Page 2, line 21, insert the words "mining, preparation, treatment, and use," as this defines more clearly the intention of the investigation and it is necessary to investigate as to the method of mining and preparation, treatment, and the most efficient use.

(8) Page 3, lines 12 to 20, the Senate struck out all down to the proviso and inserted the following language:

"SEC. 4. In conducting inquiries and investigations authorized by this act neither the director nor any member of the Bureau of Mines shall have any personal or private interest in any mine or the products of any mine under investigation, or shall accept employment from any private party for services in the examination of any mine or private mineral property, or issue any report as to the valuation or the management of any mine or other private mineral property."

The intention of this amendment is that no employee of the Bureau of Mines is to have any interest in any mining property under investigation or accept any employment of any private party for the purpose of examining any mining property of any kind, and it is intended to make this provision plain.

(9) Page 4, line 3, the Senate conferees receded from its disagreement to the amendment inserting the words "of explosives" so as to limit the investigation to that alone, but it is believed that the bureau should be empowered to investigate other safety appliances, such as lamps and mining machinery.

M. D. FOSTER,
W. B. WILSON,
JOSEPH HOWELL,
Managers on the part of the House.

The SPEAKER. The Chair will inquire of the gentleman from Illinois, as a matter of procedure, if this ought not first to be presented to the Senate?

Mr. FOSTER. This is a House bill, and the House has possession of the papers.

The SPEAKER. How did the House get possession of the papers?

Mr. FOSTER. Because they were turned over to us by the conferees. We asked for the conference.

Mr. MANN. If the House asked for the conference, the conference report should first be presented in the Senate.

The SPEAKER. That is the usual procedure. The Chair understands that the gentleman from Illinois has physical possession of the papers?

Mr. FOSTER. Yes.

The SPEAKER. Did the gentleman from Illinois get possession of the papers in the regular way?

Mr. FOSTER. Yes.

Mr. MANN. Where are the papers?

The SPEAKER. The papers are here.

Mr. MANN. If we asked for the conference, the papers ought to be in the other body.

The SPEAKER. They ought to, but if the House has possession of the papers in the legal and regular way it is sufficient. The only trouble about it is that it confuses the enrolling clerk.

Mr. FOSTER. It does not matter to me, Mr. Speaker, except that we have possession of the papers, and I think there is no objection by the Senate conferees.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

WATER SUPPLY, COLORADO SPRINGS AND MANITOU, COLO.

Mr. GRAHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 1551).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

In lieu of the matter proposed in amendments numbered 1 and 2, in line 19, page 6, after the word "Agriculture," strike out all down to and including the word "Manitou," in line 20, page 6, and insert in lieu thereof the following: "at the expense of and in cooperation with the city of Colorado Springs and the town of Manitou, said expense to be borne and paid by said city of Colorado Springs and town of Manitou in proportion to the number of acres reserved for the respective use of each of said municipalities."

Amendments numbered 3, 4, 5, and 6: In lieu of the matter proposed in amendments numbered 3, 4, 5, and 6, strike out all of section 5 of the act and insert in lieu thereof the following:

"SEC. 5. That this act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises, or any part thereof, or the water thereof."

JAMES M. GRAHAM,
EDWARD T. TAYLOR,
ANDREW J. VOLSTEAD,
Managers on the part of the House.

REED SMOOT,
S. GUGGENHEIM,
FRANCIS G. NEWLANDS,
Managers on the part of the Senate.

STATEMENT.

The conference agreement is a compromise in the nature of a substitution for the language of about four lines of the bill as it passed the House and the Senate amendments thereto, and the report as adopted only makes one change of substance in the bill as it passed the House.

The first Senate amendment, which is in line 19, page 6, section 3, of the printed bill, strikes out the provision of the bill, as it passed the House, placing the administration of the land in the Secretary of Agriculture in cooperation with the city of Colorado Springs and the town of Manitou, and adds in lieu thereof the provision that such administration shall be by and at the expense of said city and town.

The Senate conferees receded from the first part of that amendment, thereby leaving the administration in the hands of the Secretary of Agriculture as it passed the House, and the House conferees agreed to such administration being at the expense of said city and town in proportion to the number of acres of land reserved for each, respectively.

That is the only important change that the conference makes in the House bill.

The Senate amendments which occur in section 5 in relation to legal rights heretofore "or hereafter" acquired are stricken out and the remainder of the Senate amendments in that section are retained.

With that change the section is rewritten, making it read as follows:

"SEC. 5. That this act shall be subject to the legal rights of any municipality, person, or persons in or to the above-described premises or any part thereof or the water thereof."

The terms of the section as agreed upon are, as the House conferees believe, practically the same in substance as it passed the House; and substantially the same as the law would be even if the section were not in the bill at all. But it was deemed desirable to retain this provision in the bill for the purpose of formally recognizing all existing legal rights.

JAMES M. GRAHAM,
EDWARD T. TAYLOR,
ANDREW J. VOLSTEAD,
Managers on the part of the House.

The conference report was agreed to.

TRANSPORTATION OF ALIENS.

Mr. SABATH. Mr. Speaker, I ask to have the bill (H. R. 21220) to extend the power of the Commissioner General of Immigration, subject to the approval of the Secretary of Commerce and Labor, with Senate amendments, taken from the Speaker's table and submitted to the House.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read.

Mr. SABATH. I move to concur in the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

LOAN OF MONEY.

Mr. DYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimouse consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

TWO-CENT LETTER POSTAGE RATE.

Mr. STEENERSON. Mr. Speaker, I desire to call up a privileged resolution, House resolution 809, requesting information of the President as to the practicability of extending a 2-cent letter postage rate similar to that enforced with Great Britain and Germany to Norway, Sweden, Denmark, and the Netherlands.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 809.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives all information that may be in his possession or the possession of the Department of State or the Post Office Department as to the practicability of extending a 2-cent letter postage rate, similar to that in force with Great Britain and Germany, to Norway, Sweden, Denmark, and the Netherlands, and whether offers or intimations of a willingness on the part of any of said countries to establish such postal rates have been received, and if received, what action was taken in that behalf and the reason therefor.

Mr. HARDWICK. Mr. Speaker, I reserve the point of order on the resolution.

The SPEAKER. What point of order does the gentleman reserve?

Mr. HARDWICK. Mr. Speaker, I reserve the point of order that it calls upon the executive departments for conclusions and arguments rather than for facts, and it is not privileged for that reason, under the rule.

The SPEAKER. How does the gentleman contend that it calls for conclusions?

Mr. HARDWICK. Because it asks them to report on the practicability of something.

Mr. GARRETT. Mr. Speaker, at the end of the resolution they are requested to report the reason therefor.

Mr. STEENERSON. It simply calls for information as to the reasons.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Georgia that it is merely asking for some information in the department as to whether we could extend the 2-cent postage rate between this country and Norway and the other countries named.

Mr. HARDWICK. Mr. Speaker, I am not opposed to the resolution, but I do not see the chairman of the Committee on Rules on the floor.

Mr. STEENERSON. It is a unanimous report from the Committee on the Post Office, and the committee desires the information.

Mr. HARDWICK. Mr. Speaker, if that be true, whether the point of order be good or not, I shall not press it.

The SPEAKER. The Chair is rather inclined to think that if the gentleman insists upon the point of order, it is well taken.

Mr. MANN. I think so.

The SPEAKER. The four words "and the reason therefor" would make it obnoxious to the rule.

Mr. HARDWICK. Do I understand the gentleman from Minnesota to say that the chairman and all the members of the Committee on the Post Office and Post Roads favor the passage of this resolution?

Mr. STEENERSON. Yes; it comes with a unanimous report.

Mr. HARDWICK. Mr. Speaker, I shall not make the point of order.

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

The resolution was agreed to.

EXTRA COPY OF CONFERENCE REPORTS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 854.

Resolved, That the managers on the part of the House shall, during the remainder of this session, present with all conference reports an extra copy for the use of the enrolling clerk.

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

There was no objection.

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

The resolution was agreed to.

STREET RAILWAY EXTENSION, MACOMB STREET.

The SPEAKER laid before the House the bill (S. 4681) to authorize and require an extension of the street railway lines of the Washington Railway & Electric Co., and for other purposes, a similar House bill being on the calendar.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Do I understand that a similar bill to this is on the House Calendar?

Mr. JOHNSON of Kentucky. Mr. Speaker, I can state for the information of the gentleman that there is, as I understand it, an exact copy of this bill on the House Calendar.

Mr. MANN. Mr. Speaker, I think the gentleman is mistaken. The House bill is on the Union Calendar.

The SPEAKER. It is on the Union Calendar? Ought it to be on the House Calendar?

Mr. MANN. I do not think it ought to be on the House Calendar. I have no objection to the consideration of the bill by unanimous consent. I think the House bill is properly on the Union Calendar.

Mr. JOHNSON of Kentucky. Then, Mr. Speaker, I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to consider this bill at the present time. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

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

Be it enacted, etc., That the Washington Railway & Electric Co. of the District of Columbia be, and it is hereby, authorized and required to construct an electric street railway beginning where its present tracks on Wisconsin Avenue intersect Macomb Street NW.; thence along Macomb Street to Massachusetts Avenue; and thence along Massachusetts Avenue in a northwesterly direction to the District line: *Provided*, That said railway shall be constructed and operated by overhead electric system.

SEC. 2. That the street railway extension provided for in section 1 hereof shall be begun within 6 months after the approval of this act, and shall be completed, with cars running thereon, within a period of 2 years from said date, and the said Washington Railway & Electric Co. shall, within 60 days from the date of the approval of this act, deposit with the collector of taxes of the District of Columbia the sum of $1,000 to guarantee the construction of said extension within the prescribed time, and if said extension is not so completed, with cars running thereon, within the prescribed time, said $1,000 shall be forfeited to the District of Columbia.

SEC. 3. That in addition to the deposit hereinbefore referred to, the said company shall deposit such further sum or sums as the commissioners may require to cover the cost of inspection and the cost of changes to public constructions or appurtenances in public highways caused by the construction of said extension.

SEC. 4. That all plans of location and construction of said extension shall be subject to the approval of the Commissioners of the District of Columbia, and all excavations in public highways shall be made under permits from said commissioners and subject to regulations prescribed by them. That said extension shall be constructed in a substantial and durable manner, subject to the inspection of said commissioners, and all changes to existing constructions and appurtenances in public space shall be made at the expense of said company.

SEC. 5. That the said Washington Railway & Electric Co. shall have, over and respecting the extension of its line herein provided for, the same rights, powers, and privileges that it has by its charter and amendments or by law over and respecting its other routes, and shall be subject in respect thereto to all the other provisions and requirements, duties, and obligations of its charter and amendments and of law. That in addition to the obligation placed upon said company by its charter and law regarding the maintenance of the space between its rails and tracks and 2 feet adjacent thereto on each side thereof the said company shall, in connection with its track construction and simultaneously therewith, grade the highways through which its tracks shall be extended under the provisions of this act for a distance of 2 feet outside of the outer rails of its tracks to such section and profile as may be approved by the Commissioners of the District of Columbia, and shall bear and defray all of the costs of such grading, which shall be done to the entire satisfaction of said commissioners.

SEC. 6. That Congress reserves the right to alter, amend, or repeal this act.

Mr. AUSTIN. Mr. Speaker, reserving the right to object——

The SPEAKER. Consent has already been granted, and there is no opportunity now to object.

Mr. AUSTIN. Mr. Speaker, then I wish to ask the chairman of the Committee on the District of Columbia if the government of the District of Columbia receives any compensation for these valuable franchises that are granted to street railway companies?

Mr. JOHNSON of Kentucky. None whatever.

Mr. AUSTIN. When are we going to reach a time when the people are going to get something for these valuable concessions?

Mr. JOHNSON of Kentucky. The gentleman is as well informed upon that subject as I am.

Mr. AUSTIN. Has the District of Columbia or the government of the city of Washington ever received anything for a single street railway franchise in this city or the District?

Mr. JOHNSON of Kentucky. I understand not.

Mr. AUSTIN. Then how long do the franchises last?

Mr. JOHNSON of Kentucky. I am not advised. This makes it revocable at any time by an act of Congress.

Mr. AUSTIN. Does the gentleman and his committee intend to ever bring legislation into this House that will compensate the people for the franchises that are given away?

Mr. JOHNSON of Kentucky. The present committee will expire with this session of Congress, and it would be too late to bring in anything of that kind now. I have no information as to who will compose the next District Committee, and, therefore, have no idea as to what they will bring in.

Mr. AUSTIN. What is the position and policy of the present committee on that subject?

Mr. JOHNSON of Kentucky. I am not advised as to the position of the other members of the committee. As to myself I can say I believe there ought to be a franchise tax for all these things.

Mr. AUSTIN. Mr. Speaker, I give notice that as long as I am in this House no franchise shall ever be extended or a new franchise ever granted unless the people receive due compensation for the same.

Mr. CANNON. Will the gentleman allow me just a word?

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

Mr. JOHNSON of Kentucky. I do.

Mr. CANNON. Mr. Speaker, a companion bill to this I introduced early in the session. I did it at the request of many citizens in the northwest part of the city and at the especial request of Mr. Hamilton, in charge of construction of the great National Methodist University. This institution when complete will be one of the great universities in the United States—yes, in the world. This railway will not only render easy access to this university, but also to the Episcopal Cathedral School for boys and girls and to an important Catholic institution; in addition it will accommodate a large and growing suburban population on the heights overlooking the city. The gentleman from Kentucky [Mr. JOHNSON] tells me, and I have no doubt the statement is correct, that one of the street railways is willing to construct the proposed railway.

Mr. JOHNSON of Kentucky. Everybody is.

Mr. CANNON. That the people are satisfied, that everybody is satisfied. Now, I just want to say a word in reply to the gentleman from Tennessee [Mr. AUSTIN]. A railway franchise for a traction company in the city of Washington proper, the settled part of it, is a very valuable property. There is no franchise tax there, but I happen to know that this extension that I speak of is where there is a development being made and where the franchise might in the end be profitable, but if I was a street railway company I would hesitate a long time, and I have knowledge in Illinois about municipal charters, before on my own motion I would construct this railway.

Mr. JOHNSON of Kentucky. If the gentleman will permit an interruption just there, I may say that the street car companies are taxed in the District of Columbia upon their gross receipts.

Mr. CANNON. Yes.

Mr. JOHNSON of Kentucky. Then this would, I take for granted, augment their gross receipts and in that way it would bring a revenue into the District of Columbia.

Mr. CANNON. The gentleman is correct about that; and I want to say that in my service in Congress when I came here there was nothing but horse railways, one on Pennsylvania Avenue and one on F Street, and very poor railways at that. Congress forced these railways to abandon horsepower and utilize first a cable system and then an electric system, and again there was no tax on these railways. We forced by law upon these railways a tax of 4 per cent on their gross earnings. I do not believe there is anybody in the House now except myself who was here when that legislation was enacted. Congress has plenary power to tax them now; plenary power to repeal or amend their charters. We had to use this plenary power before we could force these roads that had horsepower to keep up with modern improvements. I think, whatever as a matter of theory we might have about it, that with this plenary power of Congress the railways can be looked after and, I have no doubt, will be looked after. I therefore am glad to contribute by voice and vote to the enactment of this legislation. I express the hope it will be enacted. It meets the approval of one of the most industrious chairmen of the Committee on District Affairs that I have ever known in the House.

Mr. DYER. The gentleman forgets that the whole committee is very industrious.

Mr. CANNON. Precisely. I want to compliment the whole committee. It is well guarded, and everybody is satisfied about the matter.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. The question is——

Mr. CANNON. I believe I have the floor. I yield.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] borrowed the floor. [Laughter.]

Mr. JOHNSON of Kentucky. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I have known the ex-Speaker of this House for more than 30 years. When I first came to Washington as a private secretary to a Member of Congress, who represented the District I now represent, the gentleman from Illinois [Mr. CANNON] was then in Congress. I do not question his motives, and I think one of the splendid things in his long and illustrious career in this House is his fidelity to public duty, and that none of his bitterest enemies can point to any public act reflecting upon his character or his honor. I do not know anything about this proposition except what has developed in this short discussion, but I hope it will call attention to the fact that the American Congress owes a duty to the people of this city and District and to the people of the United States to get busy and bring legislation here that will exact fair and just compensation for the valuable franchises that have been given away to private corporations.

Mr. DYER. Will the gentleman yield?

Mr. AUSTIN. In a moment. The people of the United States have an interest in this matter, because our constituents under the present law are required to contribute one-half of the money necessary to conduct the public affairs of the District of Columbia and Washington City. We owe it to our constituents to compel a just return for the valuable franchises that are enjoyed by private corporations in this city. The electric light company, the gas company, and the traction companies, each and every one of them, should be required by law to pay a fair and just annual contribution to the public treasury of this city. And we owe it to the people of this city that are being daily taxed by every one of these private corporations in the charges fixed for gas, electric light, and transportation on the street car lines not only to compel these companies to pay the operating expenses and fixed charges, but also to pay dividends upon watered stock. The American people demand of those intrusted with legislation that they shall be protected in the cost of living from having these exactions imposed upon them by private enterprise and by dividends upon watered stock. And I trust that the District Committee which will represent us in the next Congress will bring legislation in here to compel these corporations to pay for these valuable franchises and privileges, and also to relieve the people of the District of Columbia by compelling the traction companies to furnish sufficient rolling stock that when the people—men, women, and children—are compelled to pay transportation over their lines, they will be given something except a strap to hold on to in order to ride in their cars.

Mr. DYER. Will the gentleman yield?

Mr. AUSTIN. I yield back my time.

Mr. JOHNSON of Kentucky. I will say to the gentleman that I agree with him in the general trend of his remarks, and I will also say in this bill there is a provision requiring the street car companies not only to build, but to forever maintain a roadbed between its tracks and for 2 feet on the outside of the tracks.

Mr. GREEN of Iowa. Will the gentleman yield in that connection?

Mr. JOHNSON of Kentucky. Yes.

Mr. GREEN of Iowa. Why is it that the bill provides especially that the street railway shall be constructed and operated by an overhead electric system?

Mr. JOHNSON of Kentucky. Because it is out in the country, and there is no need for an underground system at the present time.

Mr. GREEN of Iowa. That is quite true, but the railway company would so construe it, without some such provision, that they would carry it in perpetuity.

Mr. JOHNSON of Kentucky. If the gentleman will read the last section of the bill, he will see there is nothing perpetual about it.

Mr. MADDEN. You could not compel them to build an underground system without an underground sewerage system.

Mr. JOHNSON of Kentucky. It does not need this provision to have it operated by an overhead system.

Mr. GREEN of Iowa. It ought to be inserted. It could not be done in any other way.

Mr. JOHNSON of Kentucky. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to say, Mr. Speaker, that I have so much confidence in the chairman of this committee that I would be slow to disapprove this bill, although I have never heard the bill read, and do not know the section of the country which it serves. But I wanted to ask the gentleman from Kentucky how many miles of additional track will be built under the provisions of this bill?

Mr. JOHNSON of Kentucky. I have not measured the distance.

Mr. SIMS. But surely the gentleman has some idea about it.

Mr. JOHNSON of Kentucky. It goes from Wisconsin Avenue and Macomb Street to the District line.

Mr. SIMS. Has not the gentleman a general idea of the distance?

Mr. JOHNSON of Kentucky. No; I have no idea of the distance, but I do not think it is important.

Mr. SIMS. It is two or three miles, is it not?

Mr. JOHNSON of Kentucky. Perhaps.

Mr. SIMS. How many people will this new line serve? A number of churches have been mentioned. Is that neighborhood a settled community?

Mr. JOHNSON of Kentucky. I do not know that any churches will be served, but there is a Methodist institution of learning out there that needs the car line very badly, and there is an Episcopalian institution of learning there and also a Catholic one. They are all clamoring for it, and nobody is objecting to it.

Mr. SIMS. The gentleman means institutions of learning that can not be served well without street car facilities?

Mr. JOHNSON of Kentucky. They can not be served at all without them.

Mr. SIMS. When I served on the gentleman's Committee on the District of Columbia, I found that the street car companies usually objected to any extension of their lines unless they were themselves concerned in behalf of the extension. The street car companies have always divided the cost per mile per passenger on their various lines in determining their net receipts per passenger. Now, if you have a considerable mileage in a thinly settled section of the city, the company, of course, loses money in that portion of the service, and then they use that as an argument against reducing the cost of fares on their lines generally. They say, "We have to serve a large and thinly settled portion of the city of Washington, and therefore our revenues from that portion of our mileage have to be supplemented by the additional revenues that we receive from other lines."

Mr. CAMPBELL. Is not that the way any prudent and successful business man would conduct his business?

Mr. SIMS. I am stating to the House the objection that the street car companies usually urge to proposed extensions.

Mr. CAMPBELL. Is not that natural?

Mr. SIMS. I will let the House draw its own conclusions as to whether it is natural or not, but it results in preventing the reduction of the fare even on those portions of their lines where the community is thickly settled. This is an extension by the overhead-trolley system, which is much cheaper in construction than the underground system, and it is proposed to be a single-track line, as I take it.

Mr. JOHNSON of Kentucky. Yes; a single-track line.

Mr. SIMS. Yes; it is a single track; and I want to call the attention of the House to the fact that when we authorize this extension with overhead trolley and single track we do not want them to come in afterwards and say that we forced them to go into a thinly settled country, and have them use that as an estoppel upon us when we attempt to reduce the price of fares in the thickly settled portions of the city.

Mr. JOHNSON of Kentucky. I will say to the gentleman just there that that situation can not possibly arise, because the street car people are on record, in a communication addressed to the Committee on the District of Columbia, to the effect that they are not opposed to this proposition.

Mr. SIMS. I know they are not opposed to this, but they will use this act to show that their cost per passenger has been increased by reason of being obliged to extend their lines into a thinly settled portion of the city. I want to say now that the street car companies, when future efforts are made to reduce the cost of service in the city proper—the car companies will come in and say that by the mandate of Congress they have been obliged to furnish to the people miles and miles of railway in a sparsely settled section of the city which will increase the general cost of operation per passenger, and therefore they can not reduce the rate of fare. But I do not know enough about this particular bill to oppose it or to favor it.

The SPEAKER. The question is on the third reading of the Senate bill.

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

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—ayes 58, noes 6.

So the bill was passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FREE FEDERATION OF LABOR OF PORTO RICO.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to have printed as a House document an address by the Free Federation of Labor of Porto Rico, entitled "The Tyranny of the House of Delegates of Porto Rico," dealing with what the Free Federation of Labor deems essential in the interest of legislation in Porto Rico.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to be allowed to print the document that he names. Is there objection?

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I wish to inquire of the gentleman if he has secured the consent of the gentleman from South Carolina [Mr. FINLEY], the chairman of the Committee on Printing.

Mr. WILSON of Pennsylvania. I have not.

Mr. HARDWICK. Then, at his request and for him, I object.

The SPEAKER. The gentleman from Georgia objects.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28775) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28775, the sundry civil appropriation bill, with Mr. HAY in the chair.

Mr. SIMS. Mr. Chairman, I do not think I can occupy the time of the committee to better advantage than to read from the Fort Worth Record, of Fort Worth, Tex., in its issue of February 16, 1913, a communication to that paper from a distinguished Member of this House, the Hon. JAMES L. SLAYDEN, under the title of "Ship subsidy undemocratic," and the editorial on said communication in the same issue of said newspaper, which are as follows:

[Hon. JAMES L. SLAYDEN, in the San Antonio Express.]

"SHIP SUBSIDY UNDEMOCRATIC.

"WASHINGTON, D. C., *February 8, 1913.*

"A few days ago I read an editorial in your paper on Panama Canal tolls in which you quoted freely from the masterful argument of Senator ROOT, of New York, and with flattering liberality from an address which I made in Brooklyn, January 12.

"In the quotation from my speech you referred to only one phase of the question as I presented it, to wit, the moral view. That aspect of the case is covered by the treaties and the obliga-

tions growing out of them. I do not believe that any man, certainly any unprejudiced man, can read the treaties and come to any other conclusion than that we are as plainly and strongly obligated as it is possible for language to make a contract. A decent regard for the opinions of other people and our own self-respect both command us to live up to our engagements.

"But I want, very briefly, to discuss another feature of the case.

"When the Panama bill was being considered in the House of Representatives I declared myself against exemption from the payment of tolls for any class of shipping. On that point I said: 'To grant the free use of the canal to the coastwise trade, and only to that trade, will be a discrimination in favor of a branch of shipping that already enjoys a law-made monopoly and does not need this additional favor.'

"In the same speech I stated my opinion to be that as all the taxpayers had built the canal and dedicated it to commerce, its upkeep cost, which will be nearly $30,000,000 a year, should be charged to the traffic that will go through it.

"In my speech on the conference report delivered August 17, after discussing the treaties, I said: 'Furthermore I differ, on purely economic grounds, from some of the suggestions that have been made. This canal has been built at a huge expense to all the people. It will be maintained at a cost of approximately $30,000,000 a year. If ships are permitted to go through without the payment of tolls it will be an annual subsidy to that extent levied upon the taxpayers.'

"A little further along in the same speech I said: 'Now, surely, these people and this trade that first and directly benefit by the canal ought to pay the cost of its maintenance. The taxpayers of the United States as a whole have paid for and will present it to them, and it is not too much, I repeat, to ask that the traffic through the canal shall keep it in repair and pay operating expenses.'

"I also pointed out the fact that foreign shipowners, no matter how willing they may be to carry our produce from one American port to another at reduced rates, are not permitted to share it, thus compelling our producers and consumers to pay more for such service than they would otherwise have to pay and that the proposed exemption would be 'rank, offensive subsidy.'

"Time and reflection have confirmed the views expressed in June and August, 1912.

"Some Democrats who shy at the word 'subsidy' denied the charge I made then and tried to defend their position as Democratic. Now comes the Secretary of State, Mr. Knox, a great lawyer, who says in a document which was deliberately written, with every word weighed and considered, that it is subsidy. He is one of the most distinguished members of a political party which believes in subsidies and is not afraid to say so.

"Under the heading 'Merchant marine' the Baltimore (Democratic) platform says: 'We believe in fostering by constitutional regulation of commerce the growth of a merchant marine * * * but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.'

"That is the declaration of a Democratic principle and very properly finds a place in a Democratic platform.

"But under the heading 'Panama Canal' this is also found: 'We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.'

"They are directly and plainly contradictory. One paragraph declares a Democratic principle; the other approves a Republican policy and asks that a needless burden be imposed on the people.

"The lesson we get from it is that conventions that sit in a crowded hall in distressingly hot weather, and amid such scenes of disorder and excitement that clear thinking and deliberate action are quite impossible, are not good places for legislation.

"To which of these contradictory planks in that platform is the Democratic Party bound, that which declares a Democratic principle or that which approves a Republican policy?

"Mr. ADAMSON, of Georgia, chairman of the committee which reported the Panama Canal act, says that he has asked scores of delegates to the Democratic convention if they knew that the last of the two planks was in the platform, and that he has never found one who did. I have myself asked a good many and have only found one who did know it, and that is the author, Mr. NEWLANDS, of Nevada.

"Mr. NEWLANDS was elected Senator from Nevada by a Democratic legislature, and he is an excellent and agreeable gentleman, but he has some views that would make Thomas Jefferson's hair stand on end with horror. He, like the Republican Secretary of State, Mr. Knox, is friendly to the idea of subsidies.

"A bill to repeal this undemocratic measure is now pending in the House of Representatives, and Democrats who believe in the principles of their party would do well to make their views known in Washington.

"DEMOCRATIC DILEMMA.

"In an interesting and informing letter to the San Antonio Express Congressman JAMES L. SLAYDEN makes perfectly plain and incontrovertible two facts which discredit the Democracy of the act exempting American shipping from paying tolls on service through the Panama Canal.

"The first is that Secretary Knox in his controversy with Great Britain defends the exemption on the sole ground that it is a subsidy. Indeed, the discrimination in favor of American vessels must be conceded as a violation of the Hay-Pauncefote treaty except upon the ground that it is a subsidy or grant of aid or remission of tolls. Advocates of the exemption are between two horns of a dilemma, viz, a discrimination contrary to solemn treaty or a subsidy paid to shipowners by taxpayers. We can understand how a Republican can favor the subsidy as one method of taking from the many for the benefit of the few, but we can not understand how a Democrat opposing a subsidy or the taxation of the many for the benefit of the few can favor this rank violation of Democratic principle.

"The other point is that the declaration of the Baltimore platform in favor of the exemption of American shipping was adopted without the knowledge of anyone except its author, Mr. NEWLANDS, of Nevada. It was slipped in covertly and railroaded through while the delegates were thinking of something else. The platform in another plank condemns 'bounties or subsidies,' and thus cancels any obligation which a Democrat might feel himself to be under to support this particular heresy because it happens to be in the party's platform. The contradiction incidentally exhibits the loose and irresponsible manner in which party platforms frequently are constructed as to minor particulars. Such a platform declaration as this, in the face of the declared general principle in opposition to subsidies, is binding upon no Democrat of conscience and intelligence.

"Mr. SLAYDEN shows conclusively that if the United States permits this treaty to go to The Hague for interpretation the award of arbitration is certain to be adverse to the American contention. If the treaty does not go to The Hague the United States will appear in a sorry plight before the nations of the world.

"Therefore the rational course is to repeal the act of exemption. If a subsidy is to be granted to American shipping let it appear in proper form and without disguise, but on that point the position of the Democratic Party is so positive and so consistent that there can be no two views of Democratic policy."

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to extend my remarks, for the purpose of inserting in the RECORD a letter from the Rev. C. Everett Conant, Ph. D., professor of modern languages in the University of Chattanooga, and certain newspaper clippings.

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

There was no objection.

The documents referred to are as follows:

UNIVERSITY OF CHATTANOOGA,
DEPARTMENT OF MODERN LANGUAGES,
Chattanooga, Tenn., February 14, 1913.

Hon. M. E. OLMSTED, M. C.,
Washington, D. C.

SIR: I have just read in this morning's press reports that you are taking a hand vigorously in the fight against the Jones bill, and am taking the liberty to extend to you my hearty congratulation for lending your aid to the cause of sanity in dealing with the Philippine problem.

Having spent six years in the islands as official translator and interpreter to the Philippine Commission, and having come in close contact with the Filipino people, learning their language and customs, I can say without overstatement that I understand the situation from the standpoint both of the Government and of the people, and I can say without reserve that no greater calamity could befall the illiterate 95 per cent of the Filipino population than to be subjected to the tyrannic domination of the Filipino cacique, or political boss. And it is just this latter class that is raising the whole cry for "electric" independence. To the 95 per cent, the poor fisherman and laborer, it is a matter of indifference whether the country is "independent" or a colony, so long as he is undisturbed in his peaceful occupation of earning a few cents each day for rice and a few more for the Sunday cockfight.

The independence-agitating ilustrado approaches this ignorant and contented class and tells the fisherman that he is in bondage to a foreign Government, and explains that such a state of affairs is not what it should be, and that there would be much more fish and rice for all under independence. He, of course, omits to say that the independence is only for the cacique himself, who will take away from the poor fisherman a good share of the rice he is now getting. But the poor, bewildered analphabet says: "I don't understand this independence matter very well; but you are educated and know, so it must be the thing for us to get, and I will do anything you tell me to and help all I can."

This is the way independence agitation is worked up in the island, and the American Government has been and is there to protect the helpless 95 per cent from the would-be peculations of the sham patriot. I love the cordial, hospitable 95 per cent, and so I protest against any act of our Congress that would subject them to the bondage of the most contemptible variety of bossism of which I have known or read.

Faithfully, yours,

C. EVERETT CONANT, PH. D.

[From the Chicago Record-Herald of February 17, 1913.]

WOULD KEEP THE PHILIPPINES.

CHICAGO, *February 16.*

To the Editor:

Representative OLMSTED, of Pennsylvania, spoke against the Jones Philippine independence bill in Congress February 13.

On our trip around the world two years ago, Mrs. Schwabacher and myself visited the Philippines, stopping at Manila, and meeting a great many prominent people residing there. It appears to me suicidal to allow the Philippines to govern themselves for many years to come.

Although there are intelligent and educated people in Manila, the inhabitants of the various islands are mostly far from understanding what free citizenship would mean. The country has been under the yoke of the Spaniards and other Latin races for the last 200 years. In fact, there are still a good many head hunters and man eaters in various portions of these islands, and to try to give the people freedom after being governed by the United States for one or two decades is useless. We have never had the opportunity to learn what enormous and unlimited resources that country has and what a vast amount of *benefit it will* become to the United States in time.

The forests of valuable hardwood timbers are almost beyond comprehension and the great mineral wealth of the country has never been explored.

The tropical climate is capable of raising enough cane to supply the United States with almost all the sugar consumed by its people, as there is never any fear of having frosts or freezes, with which our Southern States have to contend.

The United States never has had a fair chance of showing what value the Philippines are to this country, and after having its valiant sons shed their blood for possession, we are not in favor of turning our backs and leaving the country again the prey of foreign dynasties or of its own discontented and aggressive leaders.

M. SCHWABACHER.

[From the Washington Post of February 20, 1913.]

WOULD HOLD ISLANDS—CARDINAL GIBBONS OPPOSED TO FREEING FILIPINOS—UNFIT FOR SELF-GOVERNMENT—HIS EMINENCE STRONGLY AVERSE TO ANY PROMISE OF INDEPENDECE—FOR UNITED STATES TO SURRENDER ITS RESPONSIBILITY FOR ITS ORIENTAL WARDS, HE HOLDS, WOULD BE "AN ACT OF DISHONOR."

BALTIMORE, *February 19.*

Cardinal Gibbons, in an interview printed here this afternoon, announced his firm opposition to any declaration by the Government regarding the independence of the Philippine Islands in the near future. The cardinal asserts that a "scuttle" policy in the islands would be a dishonorable act, and is firm in the belief that the American people will never indorse such a policy.

Before making any change in the Philippine policy of the Government, the cardinal suggests that the President be authorized by Congress to appoint a commission to investigate conditions in the islands at first hand, so that its recommendations with respect to the future be based upon observations on the ground.

RESPONSIBILITY OF AMERICAN PEOPLE.

The cardinal, in the course of the interview, said:

"Those islands were taken as a war measure. Some may think it would have been better for us never to have exercised our jurisdiction over them, but once American sovereignty was established in that archipelago, the responsibility for the welfare and development of the Filipinos devolved upon the American people, and upon their shoulders it rests to-day.

"The Filipinos—the vast majority of them, at any rate—have never been consulted regarding their independence. But even could it be demonstrated that a large number of Filipinos desired that independence, in my judgment, the inhabitants of those islands, as a whole, are utterly unprepared to shoulder the responsibility which independence will place upon them.

"For the United States to reverse its repeatedly declared policy with respect to these islands would, in my earnest belief, be a dishonorable act. It would work great harm to those investors, as well as to the Filipinos themselves, for this country to withdraw and witness a resultant reign of anarchy. It should be borne in mind that the development of those islands is essential to the development of the Filipino.

PRAISE FOR PRESIDENT TAFT.

"I have been in frequent conferences with the President upon this problem, which is so near to his heart. No citizen of the United States is better equipped with information on the conditions in those islands than President Taft. He is a man of close observation, judicial temperament, and entirely disinterested, save as every American should be interested in seeing his country do well the task set before it. In his efforts on behalf of the common welfare of those islands and of the United States, Mr. Taft has shown unselfish courage and patience of a rare order.

"I have also recently conferred with the present Governor General, Mr. Cameron Forbes. In addition, I have conferred with many private citizens who have spent considerable time in those islands, and for many years I have been in constant touch with the Philippine people through correspondence with the bishops and clergy among them.

"All are unanimous in their deprecations of the early autonomy of those islands; all are emphatic in their opposition to the fixing of any definite or indefinite time when the Filipinos might be capable of self-government; all are among the best friends the Filipinos have."

The Clerk read as follows:

For pay of inspectors, deputy inspectors, crews, office force, and expenses of office, $10,260.

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 87, line 4, strike out the word "crews."

The amendment was agreed to.

The Clerk read as follows:

International Waterways Commission: For continuing the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $15,000, to be immediately available.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I believe last year we made an appropriation for this International Waterways Commission until December 31, 1912. I suppose that was done on the understanding that after December 31, 1912, the commission would be discontinued. I do not know why the Congress should limit the last appropriation until the end of the last calendar year, unless it was intended to end the commission with that. Now, is it intended to revive this commission?

Mr. FITZGERALD. The reason for the insertion of the provision to which the gentleman refers is that for several years a representative of the commission had made the statement that their work would be finished in another year. Each year they came back and said, "another year." Not very much definite information could be obtained. After the passage of the last sundry civil act, which provided that they should report to Congress, and which appropriated for them only until December 31, 1912, Congress then commenced to get information as to what work was actually being done and what remained to be done.

There are other matters upon which the commission is at present engaged, and it is estimated now that it will take from 1 year to 15 months to complete all its work.

Mr. MANN. If this commission continues to be appropriated for, it will be in existence 15 years from now.

Mr. FITZGERALD. Yes.

Mr. MANN. This appropriation is intended to pay the salaries of the commissioners from December 31 last, although Congress in the last appropriation act decided that it would only pay them until the end of the last year. Now we propose to go back and pay them.

I think the main work that this commission has ever done has been to advise the city of Chicago as to how it ought to dispose of its sewage. So far we have not taken that advice very seriously, and certainly have not followed it, and probably will not follow it. Of course, if Congress desires to make an appropriation for a commission to advise Chicago as to how to dispose of its sewage, with the knowledge that that information will be of no especial benefit to the city of Chicago and probably will not be followed, I shall not object.

Mr. GARNER. Are you trying to educate the people of Chicago?

Mr. FITZGERALD. I simply desire to say that I have been endeavoring to end this commission, and I think Congress now has the information upon which it will be justified in holding the commission to its estimate.

Mr. CAMPBELL. Does the gentleman from New York know of any reason that would justify this appropriation and the revival of this commission for another year?

Mr. FITZGERALD. If the committee did not know of any reason, it certainly would not have recommended the item.

Mr. CAMPBELL. I think it would not only be interesting but valuable to have some information that would justify at least one of the many commissions that we are continuing from year to year. I never knew one of them to finish its work.

Mr. FITZGERALD. Under article 4 of the treaty of April 11, 1908, between the United States and Great Britain, there is imposed the obligation of defining a specified portion of the boundary between Canada and the United States.

Mr. GARNER. Mr. Chairman, is not this the commission that we appropriated for in the diplomatic and consular appropriation bill?

Mr. FITZGERALD. This has never been appropriated for in the diplomatic and consular bill.

Mr. GARNER. We consolidated three of these boundary commissions between Canada and the United States at one time. I thought perhaps we had hooked them all up together.

Mr. FITZGERALD. You did not get this one. This commission did not furnish any very definite information as to what it was doing, and we have been trying to get rid of it, and for that purpose refused to appropriate beyond the 31st of December, 1912. Since that time information has come which makes it apparent that to carry out the work involved under the treaty they will require this sum.

Mr. CAMPBELL. Where is this commission located?

Mr. FITZGERALD. Their office is located at Buffalo, N. Y. The personnel of the American members consists of a retired

Army officer, Gen. Ernst, Mr. George Clinton, and Prof. E. E. Haskell, an hydraulic engineer.

Mr. CAMPBELL. How many members are there of the commission?

Mr. FITZGERALD. Three; and the compensation is $3,000 a year.

Mr. GARNER. Mr. Chairman, it is very evident from the language of this paragraph, as well as from the statement of the gentleman from New York, that it does not belong in this bill.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. GARNER. It is evident that it belongs to the diplomatic and consular bill, because it is an international commission dealing with an international problem with a foreign country, and if any of these commissions belongs under the jurisdiction of the Committee on Foreign Affairs, this does.

Mr. SISSON. Will the gentleman yield?

Mr. GARNER. Certainly.

Mr. SISSON. It looks to me, from the hearings, as if there might be a duplication of the work.

Mr. FITZGERALD. No.

Mr. SISSON. Because other commissions are at work on the boundary and would have a right to fix this boundary.

Mr. FITZGERALD. The gentleman is mistaken. This commission has a specific duty to perform. For a long time there has been a clear line of demarcation between these commissions carried in the sundry civil bill and those carried in the diplomatic bill. It was always the rule that the diplomatic bill should carry the commissions the duties of which were performed outside of the United States, while the sundry civil bill carried all commissions the members of which performed practically all of their duties within the territorial boundaries of the United States and where the disbursements were made in the United States. Mr. Hitt, for a great many years chairman of the Committee on Foreign Affairs, repeatedly insisted that the diplomatic bill should not be burdened with the expense of commissions which were not a part of the diplomatic service and whose services were rendered in the United States and the disbursements of which were made in the United States. Commissions along the line of this commission have always been carried in the sundry civil bill.

Mr. GARNER. May I interrupt the gentleman?

Mr. FITZGERALD. Yes.

Mr. GARNER. The language of this paragraph does not convey the purpose of the commission or the duties it performs. We have now three commissions marking or designating the line between Canada and the United States. Two of them are carried in the diplomatic bill and one is carried here, in addition to the High Joint Waterway Commission that we had some discussion about the other day. I can not understand the necessity for so many waterway commissions.

Mr. FITZGERALD. I agree with the gentleman, and I say that we have been trying to get this commission out of existence.

Mr. GARNER. Suppose we strike out the item and let the gentlemen give some reason.

Mr. FITZGERALD. They have given a reason, and it was only after they demonstrated that there were three matters upon which they were engaged that ought to be completed, and when they were completed there would be no excuse for them to continue further, that the committee agreed on the item.

Mr. GARNER. In other words, this is the final settlement of their matters?

Mr. FITZGERALD. Yes; and the Secretary of War recommended the appropriation.

Mr. MANN. If the gentleman will pardon me, I think it is only fair to the commissioners to state that the high joint commission carried in the diplomatic bill has no jurisdiction over the Great Lakes, and possibly not over the waters running through the St. Lawrence. This commission, by virtue of the treaty, has special jurisdiction over the waters which flow through the St. Lawrence.

The Clerk read as follows:

For household, including the same objects specified under this head for the central branch, $100,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. I notice in this paragraph an appropriation for household expenses, including the fuel at the western branch of a national home located at my home town. I find there has been an increase of $15,000 in this item, and that in the hearings it is explained that this $15,000 increase is to cover the increase in the price of fuel at that institution. Two years ago I called the attention of the House to the fact that there was a grave question as to whether it was not costing the Government more money to burn oil for fuel there than it was to burn coal, which is produced in the mines adjacent thereto. Each year since that time there has been a steady advance in the price of fuel oil. Last year it advanced. The price of coal remained the same. Yet the committee continued the use of fuel oil. This year the price of fuel oil has steadily advanced until it has become prohibitive to the commercial institutions near by, yet this branch of the soldiers' home proposes to continue the use of fuel oil, when the figures show without question of doubt that it will cost the Government from $20,000 to $25,000 more this year to continue the use of oil for fuel than it will to use coal.

There is no question about that. The board of managers claims that it is desirable to continue the use of oil upon the ground solely of its convenience and from the fact that it will cost some money to put the plant into a condition to burn coal; but in spite of the figures they produce there is absolutely no question but that the Government will lose from $10,000 to $25,000 a year from now on in the use of fuel oil at that one institution, and if the imaginary economy that is practiced on this one item at this branch of the soldiers' home be practiced at the other branches, it reflects very badly indeed upon the way in which the business interests of these homes at large are being administered. I happened to notice in the hearings that there is an admission this year that oil will prove the most expensive from the treasurer of the board of managers, who in a telegram to President Wadsworth, of the board, says:

[Telegram.]

Maj. JAMES W. WADSWORTH,
Washington, D. C.:

Gov. Cooke reports price of fuel oil next fiscal year 2.9 cents per gallon; increase of 0.22 cent per gallon over present contract. At this price use of coal appears required under the law; suggest household appropriation be reduced to $85,000 and an appropriation of $50,000 for installation of coal-handling equipment be secured. If this can not be done the restrictive clause attached to household appropriation should be omitted.

HARRIS, *General Treasurer.*

The telegram of the general treasurer is correct. Instead of its costing the Government $10,000 to $15,000 more this coming year, it will be more nearly $25,000 if oil is continued instead of coal, the cheaper fuel.

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

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that his time be continued for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Will the gentleman now turn to the next page and read the letter of Mr. Wadsworth?

Mr. ANTHONY. I will be glad to, in time.

Mr. SHERLEY. I have just obtained time for the gentleman for that purpose.

Mr. ANTHONY. I thank the gentleman very much. Instead of its going to cost the Government from $10,000 to $15,000 more to continue the use of oil, it is going to cost nearer to $25,000 more for the use of oil. Instead of its going to cost the Government $50,000 to install a proper coal-consuming plant there, I will quote from the letter mentioned by the gentleman from Kentucky——

Mr. SHERLEY. Read all of the letter.

Mr. ANTHONY (continuing). In which the president of the board of managers says:

The increased cost of labor required in handling the coal would amount annually, as estimated, to $2,518, and the increased cost of repairs to the boilers and coal-conveying apparatus incidental to the use of the coal would, at a low estimate, amount to $2,000.

That would be $4,518 necessary to change that plant over for the temporary use of coal.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I do not want the gentleman to seem to be quoting a letter, when he is quoting only part of it and putting a construction upon it.

Mr. ANTHONY. I intend to quote the parts that are pertinent to my argument.

Mr. SHERLEY. But the House wants to know the whole facts.

Mr. ANTHONY. I hope the House will look into all of the facts, because if it does not do it it will deliberately squander $25,000 more for fuel in the coming year than it is necessary to do.

Mr. Chairman, there is a mass of figures bearing on this question that have been placed before the committee. There is a mass of figures from the advocates of the mines and the coal miners favoring the use of coal, and there is a mass of figures by the officials of the home and the board of managers advocat-

ing the use of oil. It is possible that flaws can be found in the figures advanced by both sides, but it is an absolute fact, and I am familiar with the facts, that the figures based on coal consumption date back to five or six years ago. Since that time the radiation of the steam plant at the home has been vastly improved, so that these figures are no criterion of what would be the cost for the use of coal at the institution now. I am going to ask the House only to put a proper proviso in the limitation that is in the bill that will make it absolutely certain that the Government gets the cheapest and most economical fuel at that home, which I take it is what we all should ask for.

Mr. FITZGERALD. Mr. Chairman, it is natural for the gentleman from Kansas [Mr. ANTHONY] to advocate the use of that fuel which is produced in his own district and which must increase the labor and remuneration of those residing in the district.

Mr. ANTHONY. The gentleman is absolutely right.

Mr. FITZGERALD. The only interest of the committee is to do that which is for the best interest of the Government. Since the gentleman from Kansas [Mr. ANTHONY] declined to state to the committee the facts in the letter of the chairman of the board of managers, I shall read that letter to the committee and state that upon the information furnished in that letter the committee acted:

HEADQUARTERS, ROOMS 932-934 NEW YORK LIFE BUILDING,
346 Broadway, New York, N. Y., January 29, 1913.

Hon. JOHN J. FITZGERALD,
Chairman Appropriations Committee,
House of Representatives, Washington, D. C.

MY DEAR SIR: Since filing with you, on Monday last, a brief statement in regard to the fuel question at the Western Branch of the National Home for Disabled Volunteer Soldiers I have received further information on the subject, which I desire to submit for the consideration of the committee.

The governor of the Western Branch was requested to ascertain and report the present contract price of coal on the British thermal unit basis for the Federal prison at Leavenworth, Kans., and the average cost per ton as delivered under that system. On the 27th instant he reported by telegraph as follows:

"Federal penitentiary has contract for coal on British thermal unit basis at $2.86 per long ton, mine run, on track at penitentiary. Penitentiary unloads cars; average price $2.74½ long ton. Mine is same as formerly furnished home, located 1 mile south of home."

The price of fuel oil being quoted at $0.029, the 2,200,000 gallons required for the year's supply would amount to $63,800. Should coal be used 22,000 tons would be required. At the price paid at the Federal prison on its present contract the cost would be $60,280, an apparent saving of $3,520 as compared with the cost of oil.

The increased cost of labor required in handling the coal would amount annually, as estimated, to $2,518, and the increased cost of repairs to the boilers and coal-conveying apparatus incidental to the use of coal would, at a low estimate, amount to $2,000.

The difference between the cost of coal as compared with oil is $3,520 in favor of coal, but as the excess annual cost for labor and repairs amounts to $4,518, the expenditure for fuel, oil being used, would be $1,098 less than would be required for the use of coal.

It must also be understood that in order to use coal with the degree of economy on which the foregoing comparison is based an initial expenditure of at least $50,000 for the installation of a coal and ash conveying apparatus, and the alteration of the boilers to adapt them to the use of coal must be made, and even this amount would not provide a strictly up-to-date equipment.

That is, to put in a modern up-to-date plant will require an expenditure of approximately $75,000. But, to put all the letter in the RECORD:

The estimate under household, Western Branch ($100,000), is based upon the presumption that the use of oil will be continued, the price to be paid for the same not to exceed $0.0290 per gallon.

It is hoped that the amount named in the estimate will be appropriated.

Very truly, yours,
J. W. WADSWORTH,
President Board of Managers
National Home for Disabled Volunteer Soldiers.

Mr. Chairman, it appears that if a modern up-to-date plant be installed for the purpose of utilizing coal for fuel instead of oil that even then the present price, based upon the present price for oil and the price for coal now paid by the penitentiary at Leavenworth for coal at the mines, from which it would be purchased for the home, the difference would be $1,098 in favor of oil as against coal. Under these circumstances, not only this committee but no other committee having the interest of the Government at stake will recommend the use of coal requiring an expenditure of $75,000 and then to have an added burden instead of reducing the burden to the Government. A number of figures were submitted and computations were made, but here are the concrete facts that can not be denied or misunderstood. Under these circumstances, Mr. Chairman, it seemed to the committee that the sensible thing to do was to continue this matter in the way in which it had been. The chairman of the board of managers is a former Member of this House, Mr. Wadsworth. I have known him a great many years, and during his service here, and I believe he is one of the most efficient men who administers any part of the public service. I know that since he has been chairman of the Board of Managers of the National Home for Disabled Volunteer Soldiers the cost of maintaining and conducting those homes has been materially lessened, and he has, during the years I have served on this committee, given to the committee information which has enabled it to introduce and to effect economies. Against the recommendations based upon such a record, and the desire of a locality, that is natural, to have utilized the fuel which it produces, we prefer, in the interest of the Government, to follow the recommendation of the gentleman charged with the responsibility of having these homes conducted in the most economical manner possible.

Mr. SAMUEL W. SMITH. Before the gentleman sits down, will he state the number of members of the board and their salaries?

Mr. FITZGERALD. There is only one of them who receives a salary; there are nine members of the board, and this committee recommended last year, and it is recommending this year, that vacancies as they occur be not filled until the board be reduced to five members. It is apparent with a local manager for each home a member of the board the best results in administration can not be obtained because each manager is endeavoring to obtain just what he wants for his particular home, and they do not conduct things on that broad scale necessary to successful administration.

Mr. SAMUEL W. SMITH. Do they get any salary?

Mr. FITZGERALD. The president of the board gets $4,000 and the secretary $500.

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

Mr. ANTHONY. Mr. Chairman, I move to strike out the last two words. I regret that the gentleman from New York in charge of the bill has allowed himself to be influenced by statements made by his personal friend, President Wadsworth, of the board of managers, in face of facts which I say to this committee are absolutely incontrovertible. Now, I desire to point out to the gentleman from New York just two things in the letter of President Wadsworth which are incorrect and unfair statements, to say the least. In the first place, he bases the probable consumption of coal at 22,000 tons, which was the consumption the last year coal was used. As I said to the committee, since coal was last used there thousands of dollars have been spent in improving the steam-radiation facilities there, and figures have been shown that there has been an increase of efficiency of the plant of at least 20 per cent since coal was used, so you must credit coal with the increased efficiency of steam-radiation plant, and instead of calculating at 22,000 tons you should calculate it at 18,000 tons. Then, again, the chairman of the board of managers has been unfair when he has taken the figure of $2.74 a ton, the price at which coal is delivered at the Federal penitentiary, as the price which the Government will have to pay at the soldiers' home.

The Federal penitentiary is located 3 miles farther away from the mine. It costs 25 cents a ton more for freight to deliver the coal there, and the statement is made by the mine owners that they will furnish this same coal for $2.50 a ton to the soldiers' home. And more than that, they will furnish what is known as slack coal, a steam coal used for commercial institutions thereabouts, at $1.50 a ton, which will cut the figures of the president of the board of managers 50 per cent, and instead of it costing the Government $60,000 for coal it will cost nearer $40,000 a year for coal, if it is burned. In order to get this directly before the House, and in a way I do not believe the gentleman from New York can help but admit is fair, I shall propose this amendment. There is now a limitation on the paragraph that the cheapest fuel shall be used as between coal and oil. The board of managers has decided that oil is the cheapest, because it is "more convenient" to handle. Those were the words which were used in their resolution adopted last year.

Now, I am going to submit an amendment, to be inserted after the word "managers," where the limitation is placed upon the bill, that the cheapest fuel—coal or oil—shall be used "after investigation and report by the Bureau of Mines."

The War Department and other departments of the Government, whenever they make a fuel contract, leave it to the Bureau of Mines to ascertain the comparative efficiency of the various fuels. One of the functions of that bureau is to make an investigation of fuel contracts made by the Government, and I do not believe that so far the soldiers' home board has taken advantage of the existence of the Bureau of Mines to determine whether or not they are using the cheapest fuel, although the law says that that shall be done. I am simply going to ask in this amendment that this whole proposition be referred to the Bureau of Mines, and then let the board of managers act upon exact information. I will ask the gentleman from New York [Mr. FITZGERALD] if he would be willing to accept an amendment of that kind?

Mr. FITZGERALD. No; I would not.

Mr. ANTHONY. Then, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "managers," on line 6, page 94, the words: "After investigation and report by the Bureau of Mines."

Mr. SHERLEY. I make a point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. SHERLEY. It changes existing law and it is legislation on the bill. It requires a decision of the Bureau of Mines before an expenditure of an appropriation which is now in order.

Mr. ANTHONY. I would like to be heard on that.

Mr. BORLAND. Mr. Chairman, I would like to be heard also.

Mr. ANTHONY. I would like to have the Chair take into consideration the organic law which created the Bureau of Mines. If he will refer to page 370, Sixty-first Congress, second session, he will find these words:

That the Secretary of the Interior is hereby authorized to transfer to the Bureau of Mines from the United States Geological Survey the supervision of the investigation of structural materials and the analyzing and testing of coals, lignites, and other mineral fuel substances.

And I will say that it is the common practice of all departments of the Government to take advantage of this provision.

The CHAIRMAN. Can the gentleman show any law that provides these investigations shall be made by the Bureau of Mines?

Mr. ANTHONY. It does not say that all investigations shall be made, but it says that the bureau shall make them—probably when they are asked to do it.

The CHAIRMAN. What the Chair would like to know is, is it imposed as a duty on the Bureau of Mines to investigate coal used by the various departments?

Mr. ANTHONY. Unquestionably it is their duty under the wording of the law.

Mr. SHERLEY. It does not state anything of the kind. It is perfectly clear the law does not require anything like that. There is nothing in the act creating the Bureau of Mines that compels and makes it mandatory that there shall be an examination by the Bureau of Mines before an expenditure of money for the purchase of fuel at a soldiers' home.

Mr. ANTHONY. Undoubtedly. I say it is mandatory that the Bureau of Mines should make such an investigation if requested, and I think it should be so construed.

Mr. MANN. The item in the bill is a limitation on the appropriation. The gentleman from Kansas [Mr. ANTHONY] adds to that a part of a limitation, and the only question which could render it subject to a point of order would be the assumption that this conferred upon the Bureau of Mines authority to make the investigation which it does not now possess. But it does possess the authority to make the investigation now under the organic law creating the Bureau of Mines. This does not confer any new authority upon the Bureau of Mines, because they already have the authority to make the investigation. It is true they are not required to make it unless they are asked to, but they have the authority to make it. This is a pure limitation upon the appropriation, as it seems to me.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, my impression, if the Chair please, was that the provision came in in front of the proviso. Of course there is no law now by which it is mandatory on the Bureau of Mines to make an investigation of the fuel used at this particular home, but it is true that the organic law of the Bureau of Mines warrants that bureau in making investigations. But touching anything affecting their rights, this is not the place in the bill for an instruction to them. If it is in order, it must be in order simply as a limitation upon this appropriation.

The CHAIRMAN. The Chair overrules the point of order.

Mr. SHERLEY. Now, Mr. Chairman, I desire to be heard on the proposition.

There is one member of the Board of Managers that has control of the National Soldiers' Homes who is in a unique position. He comes from a State that has no National Soldiers' Home within its borders, and he has no local personal pressure brought to bear upon him. It is true that the Committee on Appropriations have shown a good deal of respect for the views of the head of this board. He is a man who served in this House for years, and we believed that his service here warranted a high opinion as to the soundness of his judgment. But aside from that, we recognize what familiarity with these homes early brings to the attention of all—that he did not have that local pressure brought to bear upon him that often colors the judgment even of those who try their best to be impartial.

Now, I understand thoroughly how the gentleman from Kansas [Mr. ANTHONY], representing his constituency, should be able to bring himself to the conclusion that a great harm has been done to the coal miners of his district and State because their coal was not being used as fuel in this National Soldiers' Home.

Mr. ANTHONY. The gentleman ought to consider this simply as a question of fact. The gentleman has no right to impugn my motives.

Mr. SHERLEY. I do not impugn the gentleman's motives. Indeed, I say the gentleman would be unworthy of representing his district if he did not have a natural zeal in regard to it. But this committee has no such zeal. It has no reason to discriminate either for or against the fuel produced in any section, and from the evidence that was adduced before the committee we did not believe there was any warrant for making the change suggested, and we submit the hearings now as proof of that fact.

Now, what is the proposition of the gentleman? On the surface it seems to be a very fair proposition to have the Bureau of Mines undertake an investigation.

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

Mr. SHERLEY. I can not yield now. But the result of this, if it is to be established, is to have put into the hands of this bureau the determination of all manner of questions that it was never contemplated it should determine. I have no objection to the Bureau of Mines making a report to Congress, and then letting Congress determine from that report whether the findings of the bureau warrant one thing or the other. But for us absolutely to delegate our authority over the matter to this bureau is asking what I do not think the Congress ought to grant.

Mr. ANTHONY. Mr. Chairman, will the gentleman permit me to ask him a question there?

Mr. SHERLEY. Certainly.

Mr. ANTHONY. Is not the gentleman aware of the fact that every single fuel contract entered into by the War Department is first submitted to the Bureau of Mines to determine the purity and efficiency of the fuel?

Mr. SHERLEY. I am aware of the fact that the Bureau of Mines makes certain investigations, but I am not aware of the fact that its findings are binding upon the department and that we are to have it as an arbiter as to the expenditure of money. I do not believe it is well for the Bureau of Mines, I do not believe it is well for the people of America, to put that much power in the hands of that bureau. That bureau will continue its value to this country by simply being an investigator of facts and a reporter of facts.

Whenever you put into the hands of the officials of that bureau the absolute power to determine whether a given contract shall or shall not be let to a given concern, or for a given quantity of fuel, you are taking the first step toward undermining the influence and impartiality of that bureau. And I submit to this House that it ought not to be done. I have no objection on earth to a report by the bureau, but its report ought not to control Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word of the amendment.

I do not believe that my colleagues on the Committee on Appropriations will oppose this amendment after they have given a little further attention to the condition of affairs at the Western Branch.

Before any questions are asked about my relation to that branch, or the relation of my district to it, I want to say that the fuel oil which is used at the Western Branch is brought from Sugar Creek, in the outskirts of Kansas City, in my district. That is the great distributing market now in that section of the country for fuel oil for large heating plants and institutions of that kind.

My district also is a coal market of considerable size, the center of a large coal field which lies in Missouri and Kansas. There are coal mines also in Leavenworth, 30 miles from Kansas City. So that the fuel question is as much related to my district as it is to the district of the gentleman from Kansas. There are in the city of Leavenworth a Federal penitentiary, a soldiers' home, the military post, and possibly other institutions that buy coal upon Government contracts. We have been fighting for the last three years to secure an open fuel market for these institutions. There has been a closed fuel market, in my judgment, in the past, due to the fact that these institutions at Leavenworth have been buying coal solely upon the basis of the price per ton, regardless of the heat value of the coal. On that basis of buying coal, solely on the price per ton without regard to the quality of the coal, the coal mines in Leavenworth

can undersell any other fuel, because they pay no railroad transportation and in some cases no switching. It has not been possible to get rates to put in any other class of fuel. But if the coal is bought, as large consumers of fuel now buy it, upon the basis of its heat-producing value, or what is known as the British thermal unit, then the coal market is an open market, and coal from Lexington, Mo., or from any other section, if it is high-grade coal, can be brought in there. Although it is bid at a price a few cents higher per ton, yet in its heat-producing value it is cheaper in the long run than the coal that goes in at a lower price per ton. That is only possible if a scientific investigation is made and a report is made of the British thermal unit value of the coal as it is offered.

We had this fight up in regard to the Federal penitentiary, as I recollect it, about a year ago. The penitentiary is under the control of the Attorney General, and as a result of my fight the Attorney General now submits coal contracts to the Bureau of Mines for report. Now all the coal contracts of the War Department also are submitted first to the Bureau of Mines for a report of the value of the coal under the British thermal unit. The contract is let upon that basis, not by the Bureau of Mines, but by the proper officer having the right to let the contract. He does it upon the advice and after the investigation of this Government department, the Bureau of Mines.

This is not proposed to add to the limitation on this bill. This bill says now that no part of the sum shall be used for fuel oil if it can be made to appear to the managers that coal can be used as a fuel more economically. It gives them the right now to change from fuel oil to coal, and the only addition by this amendment is to give them the advice and assistance of a scientific department of the Government specially organized for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

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

Mr. BORLAND. In a minute. I want to make one more statement and then I will yield. I believe it is true that fuel oil has been cheaper in the immediate past than coal. I believe that is true because all the great manufacturing establishments, hotels, and apartment houses in my city changed a few years ago from the coal heating apparatus to fuel-oil heating apparatus.

I know it is true that there is less waste in the fuel oil, because you practically burn all of it, whereas in coal there is a waste of slack, and so forth. Then coal involves the handling, and that must be charged against the coal, which is greater than the cost of handling fuel oil.

Mr. SHERLEY. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. SHERLEY. Is it the gentleman's understanding of the amendment that it makes the Bureau of Mines an arbiter to determine how the contract shall be let, whether for coal or fuel oil?

Mr. BORLAND. No.

Mr. SHERLEY. Does the gentleman understand that the law now gives the Bureau of Mines the right to investigate as to fuel to be used at any Government institution?

Mr. BORLAND. Yes.

Mr. SHERLEY. Then of what use is the amendment?

Mr. BORLAND. The Bureau of Mines is now charged with investigating contracts let by the Federal penitentiary at Leavenworth, but there is another institution there, the soldiers' home, in which they do not, because the home is under the separate management of this board of managers.

Mr. SHERLEY. The gentleman does not quite get the point. Either the amendment gives the Bureau of Mines control over the decision or it does not. If they already have the power, then the amendment is of no use. If it gives them the control, they ought not to have it. If they have the power now, you need not put it in the bill.

Mr. BORLAND. The gentleman is not quite accurate. The Bureau of Mines is clothed with the general power to conduct investigations, but they must be referred by specific cases. When we had the question up in regard to the Federal penitentiary contract, I claimed that the contract for the Lexington coal was cheaper than the Leavenworth coal, and we had it sent to the Bureau of Mines. Now, I think, that being true in regard to the Federal penitentiary located at Leavenworth, it ought to be true as to the best possible way of handling the matter with reference to the soldiers' home, although the soldiers' home is controlled by the board of managers.

Mr. SHERLEY. Was it not within the power of the Bureau of Mines to make the examinations there?

Mr. BORLAND. At its own instance, I think not.

Mr. SHERLEY. I differ with the gentleman.

Mr. BORLAND. If it was within their power, I think there is no need of the amendment. It is claimed now that there is going to be a shortage of fuel oil for two reasons, first, because of the enormous consumption of fuel oil which has occurred, and, second, because there has been a legal attempt made to put the Standard Oil Co. out of business. Whether that legal attempt will succeed or not I am not here to discuss, but it is claimed that the Standard Oil Co. has got to cease business at a fixed time.

Mr. CAMPBELL. If the gentleman will allow me, has not the order been made, and has not the Standard Oil Co. served notice that it is going to quit on Saturday of this week?

Mr. BORLAND. Yes; I think a former governor of Missouri claims to have put the Standard Oil Co. out of business, and it has got to close down its works at Sugar Creek and other points in Missouri at a certain date which is close at hand. I do not know that that will occur. But it is manifest that there must be some reasonable opportunity for the Government in this use of fuel oil to go back to coal if coal appears to be the cheaper. Now, I am not complaining of the board of managers here for not conscientiously discharging their duty. I am saying that here is the Bureau of Mines which is capable of giving scientific information on the subject to large users of fuel regarding the British thermal unit value of coal, which the board of managers can not determine.

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

Mr. BORLAND. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. BORLAND. The board of managers of the home could not determine the British thermal unit value of coal from Lexington or Leavenworth or Fort Scott, or any other place, because they do not know. The board of managers can look at the price per ton; they can look at the freight rate; they can look at the cost of handling; they can look at the switching charges and cost of changing the plant, but they can not tell the fuel value of the coal. We have a department specially created for that purpose, and, as I say, we had this matter thoroughly thrashed out when we were letting the contract for the Federal prison. I believe we met the difficulties properly in the case of the Federal prison.

Mr. SHERLEY. Did you have special legislation in order to bring that about in the penitentiary case?

Mr. BORLAND. No; we did it by agreement with the department, just as we may here.

Mr. SHERLEY. That is it exactly.

Mr. FOSTER. Mr. Chairman, it seems to me that the amendment offered ought not to be placed in this bill. The province and duty of the Bureau of Mines is to investigate certain coals offered for sale to the Government. As a matter of fact, we know that the Bureau of Mines does investigate both in the mine and in the laboratory, as to the relative value of coal for steam and heating purposes. This amendment proposes that the Bureau of Mines shall not only investigate that subject but that it shall determine whether it is cheaper in this particular instance to use coal or oil. It occurs to me that we would not want to confer such power as that on the Bureau of Mines, but if Congress determines that coal shall be used in this particular institution, or the board of managers determine that, then it is the duty of the board of managers to call upon the Bureau of Mines for the determination of whether that particular coal is more economical to use than any other kind of coal from a different mine. It seems to me that this amendment ought not to prevail. I do not believe the Bureau of Mines ought to be clothed with that kind of power, and I do not believe it is within the province and duty of that bureau to determine matters of this kind proposed in this amendment.

Mr. ANTHONY. Mr. Chairman, with reference to the amendment, which practically refers this whole question to the Bureau of Mines, I would say to the House that it is only doing in the case of fuel required for soldiers' homes what is done in respect to every other fuel contract for the Government in most of the large departments; and to show the committee that there is abundant ground and reason for this reference I will state that, in order to make sure in my own mind I was right in my contention that coal was cheapest under present conditions, I submitted a proposition to the Bureau of Mines. I submitted a statement to them as to which was the most economical fuel to the Government at the Western Branch—coal at two and a half dollars per ton, the price at which it could be obtained,

or fuel oil at two and nine-tenths cents per gallon, the price the Government will have to pay on its next contract.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a moment?

Mr. ANTHONY. Certainly.

Mr. SHERLEY. Did the gentleman include in his statement, in order that the Bureau of Mines might know all of the facts, what cost there would be incident to the use of coal rather than oil?

Mr. ANTHONY. I informed them there would be certain differences, and the bureau stated all of the facts would have to be taken into consideration; but the difference is so much, the range is so wide between the economy of one fuel and the other that it ought to make this House sit up and take notice.

Mr. SHERLEY. Just one other question. The Bureau of Mines is now investigating fuels tendered under bids, to be used at the penitentiary there, and the gentleman obtained that?

Mr. ANTHONY. I do not know that they are now. They did, I believe, at one time.

Mr. SHERLEY. The gentleman from Missouri [Mr. BORLAND] says it is being done. It was done without any special enactment; and I insist now that the gentleman does not need any law to do what he wants.

Mr. ANTHONY. But here is a separate organization authorized by Congress. The board of managers is responsible to no one but Congress. Here is a bureau of the Government which absolutely refuses to take advantage of the information that it can secure from the Bureau of Mines, and they meet down here in a room in the Ebbitt House—four or five exceedingly nice gentlemen—and they decide this scientific question among themselves. I contend that is not a proper way for the Government to handle a problem of this kind.

Mr. SHERLEY. Does the gentleman mean to say that this board of managers has refused any offer or effort on the part of the Bureau of Mines to report on the fuel?

Mr. ANTHONY. They have never referred the question to the Bureau of Mines, although the other departments of the Government follow that practice.

Mr. SHERLEY. Has the gentleman ever requested that the Bureau of Mines make a report on fuel tendered for use?

Mr. ANTHONY. It has not been my province to do so.

Mr. SHERLEY. I think it is; and I do not think the gentleman ought to reflect on men unless he can show all of the facts in regard to the matter.

Mr. ANTHONY. It is the duty of the board to take that step and not my duty.

Mr. SHERLEY. It seems to me if I were criticizing them for their failure, I would, at least, have tried to bring it about.

Mr. ANTHONY. Let me continue the results of this investigation by the Bureau of Mines. The Bureau of Mines states in a letter addressed to me:

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, February 14, 1913.

Hon. D. R. ANTHONY, Jr.,
House of Representatives, United States,
Washington, D. C.

SIR: In reply to your letter of February 6, the engineers of the Bureau of Mines report as follows:

The records of the bureau show the heating value of Leavenworth lump coal, as delivered on Government contracts, to be 10,950 B. t. u. per pound, as received. The cost of 1,000,000 heat units would be $0.114 with lump coal at $2.50 per ton of 2,000 pounds. The bureau has no record of the value of Leavenworth slack coal, but it can be estimated to be about 9,500 B. t. u. per pound, and the cost of 1,000,000 heat units as $0.079 at the price of $1.50 per ton.

The fuel oil referred to is believed to have a specific gravity of 0.89 and an average heat value of 19,367 B. t. u. per pound, which, at $1.13 per barrel of 42 gallons, would make the cost of a million B. t. u. $0.1873.

The cost of heat in the fuel for slack, lump, and oil would be in the ratio of 1 to 1.44 to 2.37, and this would be the ratio of cost of heat in the steam, provided the cost of handling fuel was the same and the efficiency of the furnace and boiler was the same. The efficiency is, however, lowest with the slack and highest with the oil, and the cost of handling is in the same order. It makes the problem of selection of the cheapest fuel, therefore, dependent upon the construction and management of the particular plant, as well as the unit cost of the fuel. Assuming the evaporation from oil to be one-third more than from slack coal, the oil would cost 78 per cent more than the coal.

This difference would be applied to the added cost of firing coal, handling ash, and adapting furnaces to the use of slack fuel.

Very respectfully,

J. A. HOLMES, *Director.*

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

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

Mr. FITZGERALD. Mr. Chairman, I desire to inquire how much more time is desired, so that I may move to close debate.

Mr. ANTHONY. I shall try to conclude in five minutes.

Mr. FOSTER. Mr. Chairman, I would like to have five minutes.

Mr. FITZGERALD. Then, I move that all debate on the paragraph and amendments thereto be closed in 10 minutes.

The motion was agreed to.

Mr. ANTHONY. Mr. Chairman, one other statement. The branch of the Standard Oil Co. that furnishes this fuel oil has announced that it will furnish no more contracts for fuel oil for any purpose.

The gentleman from Missouri [Mr. BORLAND] has stated that the Standard Oil monopoly in Missouri may probably go out of business, and there exists a grave doubt——

Mr. BORLAND. Not out of business; but I said that Gov. Hadley said that he would put it out of business.

Mr. ANTHONY. I hope he will put it out. There is grave doubt on and after the next present fiscal year whether fuel oil can be obtained at all, and to show the fact that the other commercial institutions near by have given up their fuel oil, apparently for economical reasons, I had inserted in the hearings letters from seven of the largest steam users in Kansas City—the Armour Packing Co., the Schwarzchild & Sulzberger Co., the Swift Co., the Fowler Co., the Metropolitan Street Railway Co.—and all of those great steam users have made a statement in the committee hearings here that on account of the great increase in the price of fuel oil they have been compelled to change their plants and go back to the use of coal. So I say, gentlemen, that it is high time that the board of managers at this little steam plant of theirs out in Kansas should get some idea of economical business methods, and if it requires $10,000 or $25,000 to change that plant back to the use of coal that they will be amply justified in taking such action. I hope that this committee will adopt the amendment which I have proposed.

Mr. WILSON of Pennsylvania. Mr. Chairman, if this amendment is adopted it will impose additional duties upon the Bureau of Mines, duties which should not be imposed upon that bureau.

Mr. ANTHONY. Will the gentleman yield for an interruption there?

Mr. WILSON of Pennsylvania. In just a moment. The determination of what constitutes the cheaper fuel can only be arrived at by including commercial problems as well as the actual test of the heat units of that fuel. When you impose upon the Bureau of Mines the task of determining the commercial problem involved in arriving at what the cost of the fuel is, then you are taking the bureau into a field where it has no place, and if carried to its fullest conclusion will divert the Bureau of Mines from the problems it ought to deal with to commercial problems. There is not only the question of the heat unit of coal or fuel in the problem, but there is the question of transportation, there is the question of handling, there are a number of similar questions that are purely commercial questions, and the Bureau of Mines should not have that duty imposed upon it. As it is now the Bureau of Mines can determine what heat units are found in different fuels; they have the right under existing law to determine the value based upon heat units, and having determined that value, then it should devolve upon that branch of the Government which has to purchase the fuel to determine which fuel it will use, and I trust that this amendment will not be adopted, and that this additional duty will not be imposed upon the Bureau of Mines, thereby diverting it from its proper function.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MONDELL. I rise to discuss the motion before the House.

The CHAIRMAN. All time has expired.

Mr. MONDELL. I ask unanimous consent that I may discuss it.

The CHAIRMAN. Did the gentleman from Wyoming make a request?

Mr. MONDELL. I ask unanimous consent to discuss the matter for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to discuss the matter for five minutes.

Mr. FITZGERALD. Mr. Chairman, debate was closed by motion after a very lengthy discussion, and I do not think, after closing debate by motion——

Mr. MONDELL. If the gentleman wants to object, well and good.

Mr. FITZGERALD. I will object.

The CHAIRMAN. The gentleman objects, and the question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. ANTHONY) there were—ayes 27, noes 63.

So the amendment was rejected.

Mr. BORLAND. Mr. Chairman, I offer an amendment, following the word "economically," line 7, page 94.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 94, line 7, after the word "economically," insert the following: "And upon this question it may take the advice of the Bureau of Mines as to the heat value of the fuel."

Mr. MANN. Mr. Chairman, I make the point of order, or I will reserve the point of order. I ask to have the amendment reported again.

The amendment was again reported.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that debate is closed.

Mr. BORLAND. I hope the gentleman will reserve the point of order.

Mr. FITZGERALD. Oh, debate is closed on the paragraph.

Mr. BORLAND. But debate on the point of order is not closed.

The CHAIRMAN. The Chair will ask the gentleman from New York whether the board of managers now has the right under the law to take the advice of the Bureau of Mines?

Mr. FITZGERALD. I think they have.

Mr. MANN. It would still be legislation, Mr. Chairman, whether they have that right or not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

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

Mr. SAMUEL W. SMITH. Mr. Chairman, in view of the statement that the Standard Oil Co. has been put out of business, I send to the Clerk's desk a short editorial which appeared in the Flint Daily Journal, of January 31, 1912, which I would like to have read in my time.

The CHAIRMAN. Without objection, the Clerk will read the editorial.

The Clerk read as follows:

COMPETITION.

Producers are selling crude oil at $2.33 a barrel. The price has been increased 7 cents a barrel every day this week.

Consumers are paying more for oil than at any time in years. The prospects are that the prices will continue to advance throughout the spring and summer.

The Standard Oil monopoly has been dissolved and competition has been restored.

What is the answer?

President Taft once stated, in effect, that there could not be competition without higher prices. If competition in the oil fields exists at the present time, his statement has been proved and his judgment has been vindicated.

If the dissolution of monopolies in all fields of business enterprise is to be attended by the same results as in the oil business, there is going to be a large number of supporters of monopoly within the next few years.

The Clerk read as follows:

Pacific Branch, Santa Monica, Cal.: For current expenses, including the same objects specified under this head for the Central Branch, $47,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The gentleman from Michigan [Mr. SAMUEL W. SMITH] sent a clipping to the desk a moment ago relative to the increased price of oil in face of the dissolution or attempted dissolution or supposed dissolution of a certain oil monoply.

I desire to call the attention of the House to the fact that one of the reasons for the present high price of oil is that a large proportion of the oil-producing territory of the country is now withdrawn from exploration and development. In the enthusiasm which some gentlemen have had for what they are pleased to call conservation, the Government agents have hovered on the flanks of the venturesome and courageous "wildcatter," and whenever, after long and arduous toil and great expenditure, he has developed a showing of oil, they have proceeded to withdraw all of the lands surrounding him—everything upon which his foot has not been actually planted at the moment of withdrawal. The result has been that a number of fields—several of great promise in my own State—have been tied up, and development that would have gone on and would have gone on by leaps and bounds, thus meeting partly the increased demand for oil, has been practically prohibited.

Congress has provided no legislation for the disposition of the lands withdrawn, and for an excellent reason, in my opinion, because it would be impossible under the legislation that could be secured at this time to develop new fields. And so we have this situation, namely, an increasing demand for oil, an increasing price for oil, and some of the most promising oil fields in the country withdrawn from development; some of them lands upon which men have spent large sums of money, lands upon which they have endeavored earnestly for many years to secure oil in paying quantities; and at just about the time their hopes seemed possible of realization and the era of development begun the withdrawal act is put into operation and the industry is suspended and property confiscated. Nothing that could be done at this time would have so helpful an effect upon the oil market, be so effective in bringing down the price of oil, as to have the Government restore to appropriate entry some at least of the land now withdrawn. On many of these lands men established claims and made large expenditures of money long before the date of withdrawal. I earnestly hope they may be restored to entry so that development may proceed.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

Battle Mountain Sanitarium, Hot Springs, S. Dak.: For current expenses, including the same objects specified under this head for the Central Branch, $24,000;

For subsistence, including the same objects specified under this head for the Central Branch, $38,000;

For household, including the same objects specified under this head for the Central Branch, $42,000;

For hospital, including the same objects specified under this head for the Central Branch, $35,000;

For transportation of members of the home, $6,000;

For repairs, including the same objects specified under this head for the Central Branch, $14,000;

For farm, including the same objects specified under this head for the Central Branch, $5,000.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota [Mr. MARTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 97, by inserting, after line 19, the following: "For combined chapel and amusement hall, $37,500."

Mr. FITZGERALD. I reserve a point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order on the amendment.

Mr. MARTIN of South Dakota. Mr. Chairman, the Battle Mountain Sanitarium, at Hot Springs, S. Dak., is the hospital branch of the National Home for Disabled Volunteer Soldiers. The treatment that is given there is especially beneficial to those suffering from rheumatism, bladder troubles, and similar disabilities, and those suffering from those afflictions in the various nine branches of the National Home for Disabled Volunteer Soldiers are sent to Battle Mountain Sanitarium for treatment. Somewhere between 1,200 and 1,500 of such patients have been treated in that institution in the last 12 months. The capacity of the sanitarium was so strained that for a period of three or four months they were unable to take in any new patients. The records of that institution show that 83 per cent of those that are sent there are benefited by the treatment they receive, and only 9 per cent receive no appreciable improvement. The institution is one of the best equipped hospitals on the continent. Indeed, I doubt if there is one anywhere equal to it. It cost to construct about $750,000.

At present there is no chapel or amusement building at that home, although all the other branch homes have such an institution. There is no place where a hall of that character is more needed, because, as is readily seen, these men when they are convalescent should have some means of amusement. Some of those that are sent there never recover, and about 8 per cent of those who arrive die there. Therefore there is a particular demand for an appropriate chapel. The management never asked for an amusement hall or chapel until a year ago. They have used the second story of another building, which was intended for a steam laundry, for chapel and library purposes, and inasmuch as they must have a place in which the patients may be amused during their convalescent period they have used an entire ward, which would accommodate 100 beds, for that purpose.

Now it is proposed by the management to erect a combined chapel and amusement hall, the first story to be used as an amusement hall, the second as a chapel, and the third as an assembly room and library. I will read from the hearings on this subject of one year ago. The item came up by a special estimate a year ago, the board of managers having passed a resolution requesting this amount. Gen. Barry, the local manager of the home, is a member of the National Board of Managers, and I ask the indulgence of the committee while I read this record, because it is short:

Gen. BARRY. This institution has grown to a large membership, because it is peculiarly adapted to the treatment of old men's complaints. It is well adopted to the treatment of bladder troubles, to which old men are subject. This building is really a necessity, and it is believed that it will enable us to accommodate 100 more patients. By removing the amusement hall in the basement we think it will accommodate 100 more patients without any increase of cost. The same medical staff can care for them. At the present time orders for admission are extended by reason of the crowded condition of the sanitarium. If we had this

additional building, we could take care of 100 more men. The library is in the rear of the chapel. We need the room the chapel occupies for a mess room for the civilian employees, numbering about 72, who now dine in the mess hall for members of the home. If we had this room that the chapel occupies now, it would enable us to feed the civilian employees in a mess hall and remove them from the main mess hall. I suppose we will use a part of this building for a library and reading room. The convalescent men should have a quiet place there to read. There is a great deal of reading done there, because these men go there for treatment, and they have to occupy their time in one way or another. Some of them amuse themselves in the amusement hall, but a great percentage of them are readers. The institution has grown a great deal during the last two years, and they cared for in the past year 750 members. The percentage of the improved is 81 and the unimproved is 9 per cent. The sanitarium is a credit to the Government and is doing good work. I think the building asked for is very much needed, and will supply something that is very much required in that institution. At the present time the chapel is unable to accommodate the men who attend divine services there. For that reason we ask this appropriation for the building.

It will thus be seen that this room in the second story of the laundry building, which is now used for a chapel, could be used as a mess hall for the civilian employees, now numbering 73. One hundred beds could be put in this other building, which is really a dormitory, a hospital building, as soon as the amusement-hall provision is made for the convalescents.

Therefore by an expenditure of practically 5 per cent of what this plant has cost to complete for this necessary equipment, the actual accommodations to members could be enlarged 25 per cent. They now accommodate in round figures 400, and sometimes in crowded conditions a little more. By this small expenditure they could accommodate 500, and very well provide for the needs of the patients in that institution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MARTIN of South Dakota. I ask unanimous consent that I may proceed for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for three minutes. Is there objection?

There was no objection.

Mr. MARTIN of South Dakota. Now, the chairman of the committee and the ranking colleague of the gentleman from New York, the gentleman from Kentucky [Mr. SHERLEY] have to-day upon the floor of this House paid very high compliment to Mr. Wadsworth, a former Member of this body, who is the president of the Board of Managers of the National Home for Disabled Volunteer Soldiers. I am able to bring to the attention of the committee the indorsement of Maj. Wadsworth for these important and needed improvements. He said:

This hospital is in the shape of an octagon. Here is the plan [exhibiting it]. We propose to place this building at this point here [indicating] and fill up this space here [indicating]. This will be accessible to the rest of the hospital without going out of doors.

And in another place in his testimony:

The CHAIRMAN. Has there ever been any request for this before?

Mr. WADSWORTH. No, sir; because we thought that there were other things more necessary. Now, however, we have reached the point where we think this addition to the building ought to be made.

I concur in all that the gentleman in charge of this bill has said as to the conservatism and reliability of Mr. Wadsworth, the president of this board of managers. The committee have adopted his recommendation in cutting down some items that were requested by this institution. Will not the committee be equally consistent and adopt his recommendation as to this important improvement?

As I have already stated, it will enable the institution to accommodate 100 more men, at an expense of only $37,500, from the fact that buildings constructed for hospital and other purposes must now be used for these very purposes because of the crowded condition of the institution and because this usual provision for all the homes has not been provided at the Battle Mountain Sanitarium.

I appreciate the attitude of the committee generally toward propositions to enlarge these homes, because this is a disappearing view. The old soldiers are disappearing; but let me remind you that the sanitary branch, or hospital branch, will be the last of the whole series to go out of active business. These men are growing more and more decrepit day by day and year by year, and this institution will be required when some of the others which are used simply for homes will no longer be needed.

Mr. FITZGERALD. I desire to call the attention of the Chair to the sundry civil act approved March 3, 1903:

For completion of said Battle Mountain Sanitarium, and for each and every purpose connected therewith, including all buildings necessary in the discretion of and approved by the Board of Managers, National Home for Disabled Volunteer Soldiers; and said board shall cause to be procured plans for all buildings authorized herein and in the act of May 29, 1902, establishing said sanitarium, based upon accurate estimates, and cause the same to be constructed within said estimates, and cause to be furnished all other needful objects authorized herein or by said act, to the end that said sanitarium shall be completed and ready for occupancy and operation in all of its details within the sums herein and heretofore appropriated for the establishment of said sanitarium.

Maj. Harris, in his statement before the committee last year, said:

The original plan for a sanitarium, as approved, did not provide for a chapel.

The first request or application for money to provide this additional building was submitted to Congress at its last session in a supplemental estimate.

This item is in excess of the authorization in the act of 1903, which fixed the limit of cost on the plant to be established. The building is, therefore, not authorized and is subject to a point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, I did not understand that the gentleman made any point of order.

The CHAIRMAN. The gentleman reserved a point of order.

Mr. MARTIN of South Dakota. I did not hear it. Mr. Chairman, this is certainly a continuing improvement or project already adopted by Congress. The original appropriation fixed the limit of cost of this plant at $150,000 only, but from time to time Congress has appropriated for new buildings in order to complete a public work. I do not understand that at this late date, in the face of that policy adopted by Congress in the various bills to complete this institution, that it is subject to a point of order, as it is plainly a part of the necessary facilities of the institution.

The CHAIRMAN. The Chair thinks it is subject to a point of order, and therefore sustains the point of order.

Mr. SAMUEL W. SMITH. Mr. Chairman, I move to strike out the last word. I see that on page 91, in providing for the home at Dayton, Ohio, there is a provision for the pay of the farmer. How many acres are there in that farm?

Mr. FITZGERALD. I do not recall. All of these homes have a farm upon which considerable quantities of vegetables are raised for the use of the home. I believe they maintain, in some cases, a sufficient number of cows to supply the milk for their use.

Mr. SAMUEL W. SMITH. Does the gentleman know what they pay the farmer at Dayton, Ohio?

Mr. FITZGERALD. No; I do not. At that farm they do not raise any vegetables, but they have about 70 cows, and in answer to the gentleman's former question, I think there are 578 acres in the farm.

Mr. SAMUEL W. SMITH. Has the gentleman any data to show how much they pay the farmer?

Mr. FITZGERALD. I have not at present.

Mr. SAMUEL W. SMITH. I notice, in the case of the Dayton Home, where you appropriate $24,000, you specify the pay of the farmer and other employees, but in the other cases you simply say, for the farm, so many thousand dollars.

Mr. FITZGERALD. There is a provision for the other homes which says "including the same objects specified under this head for the Central Branch." That is to prevent repetition in all the subsequent items.

The Clerk read as follows:

Hereafter vacancies existing or vacancies occurring in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board is reduced to five, and thereafter the number of members constituting said board shall not exceed five.

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph.

Mr. FITZGERALD. This item reduces expenditures, Mr. Chairman, and it is in order under the Holman rule.

Mr. FOWLER. I think, Mr. Chairman, it proposes to change existing law. Of course, it might have a tendency to curtail expenditures.

Mr. FITZGERALD. It reduces the number of persons who travel and the number of employees who assist them. It reduces the number of offices created by law. That is exactly within the Holman rule.

Mr. LOBECK. These managers get no salary, do they?

Mr. FITZGERALD. The president is paid a salary.

Mr. LOBECK. But you would not remove him?

Mr. FOWLER. I do not think, Mr. Chairman, on its face, there is a reduction in expenditure, and that is what must appear under the terms of the Holman rule.

The CHAIRMAN. The Chair will ask the gentleman from New York if any salary attaches to the services of this board?

Mr. FITZGERALD. The president is paid, the secretary is paid, and they are allowed traveling expenses and clerk hire.

Mr. LOBECK. Whenever they are doing inspection work.

Mr. FOWLER. The traveling expenses necessary to be incurred in connection with these homes can not be increased by virtue of the number of the board of managers. The work to be done must be done, and whether it is done by one man or by twenty, the traveling expenses must necessarily be the same. I can not see upon the face of this paragraph that it does come

under that provision of the Holman rule where it must appear that it reduces expenses. The able gentleman who is the chairman of this committee says that the president has a salary. If there were no more than the number provided by this paragraph, there would still be a president with a salary, and this paragraph does not upon its face show a reduction of expenditures, and it can not be maintained upon that theory of that rule.

Mr. SHERLEY. Mr. Chairman, I desire to call attention to the fact that these members do travel, that their expenses are paid, that they have clerk hire as an incident to being members of the board, and that a reduction in number necessarily brings about a reduction in expenditures and comes directly under the provision of the Holman rule, which says—

By the reduction of the number and salary of the officers of the United States, etc.

Mr. FOWLER. But it must be the number and salary, not the number alone—the number and salary.

Mr. SHERLEY. The gentleman is mistaken again. The full provision reads:

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

The word "and" is the same as the word "or" in the phrase:

By the reduction of the number and salary of the officers of the United States.

The CHAIRMAN (Mr. SAUNDERS). The members of this board of managers live at varying distances from the national home. When they are called into session, they receive a travel allowance, or mileage. In addition their expenses are paid for the time when they are sitting to transact business. This being so, it is apparent that if we reduce the membership of this board, we will measurably reduce expenditures. Hence this paragraph is clearly within the benefit of the Holman rule, and is in order. The point of order is overruled.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

Mr. ANTHONY. Mr. Chairman, there must be some reason for bringing in a new paragraph like the one under discussion.

The CHAIRMAN. The gentleman from Illinois was recognized. Does the gentleman desire to speak to his motion?

Mr. FOWLER. Mr. Chairman, if the gentleman from Kansas will permit.

Mr. ANTHONY. Mr. Chairman, I will take the floor after the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, I desire to say that this board, as I understand, has been created for the purpose of taking care of the various national soldiers' homes in this country. There ought to be an adequate commission for this purpose, and in the wisdom of Congress the number has been placed at nine, as I remember. I can not see any reason now why that number should be reduced. It is proposed by this paragraph to reduce it in a peculiar way; that is, whenever a member of this board dies his place shall not be filled. It is one of the peculiar ways of destroying these public positions.

Mr. Chairman, this Congress can do itself no greater honor than to permit this board to stand as it is, a monument to the men who offered their lives a sacrifice for the good of the country. I have great respect for the man who seeks to make appropriation in harmony with the law and who seeks retrenchment of expenditures, but a retrenchment of expenditures which minimizes only in its terms, in my opinion, is no retrenchment at all. If you limit this board to five now, after a while another bill will be reported in this House reducing the number to three, and then some time in the future some peculiar fit of retrenchment will seize the committee and it will provide that the offices filled here in this board shall not be filled at all upon the death of those holding them.

Mr. FITZGERALD. Mr. Chairman, this board is not maintained, as the gentleman seems to imagine, as a monument, but rather to administer economically and efficiently the national soldiers' home. The enactment of this provision is for the welfare of the men who, unfortunately, are compelled, in their declining years, to live in these homes. The inmates have been dying off gradually, and in order to have the homes administered for their best interest and that of the Government and to take the board out of the surrounding local influences, it has been universally conceded that this is a desirable provision to carry in the bill. It was carried in the bill last year. The gentleman from Illinois did not then discover what a "terrible" provision it was, and I think if he were familiar with the facts he would not now have said anything about it.

Mr. LOBECK. Is not one of the reasons why the gentleman wants to reduce the number here to five that there is a movement on foot—a bill has passed the Senate—to put these homes under the War Department? The home out in California—a bill has passed already in the Senate——

Mr. FITZGERALD. The suggestion has been made, and I know that it has not very much favor. Membership on this board is not limited to veterans of the Civil War; there are nine men, and each one, except the president, is the local manager of a home.

Mr. LOBECK. They are all veterans of the war.

Mr. FITZGERALD. No; I know of a member, not now on the board, but who was a Member of this House, and who was never in the war. This provision is in the interest of efficient and economical administration and the welfare of the men for whom the homes are provided.

Mr. LOBECK. These men who are on these boards now have given their time and their experience and most of them are experienced men in their State in taking care of the local soldiers' homes——

Mr. FITZGERALD. If the gentleman wishes to ask a question, I will answer it, but if he desires to express his views in favor of this amendment I do not care to be interrupted. I have looked into this matter and I know that better results will be obtained by having a board divorced from the local and peculiar surroundings that affect the men located in each home. Men, who are familiar with these homes because of close contact with them, agree, unless there is some peculiar individual interest, that this undoubtedly is a very desirable provision.

Mr. FOWLER. I desire to ask the chairman of the committee if he thinks that a new Member can catch all the tricks in a bill if it is brought in and introduced one day and asked to be considered the next day.

Mr. FITZGERALD. There are no tricks in this bill and any man of ordinary intelligence can take the report on it and in three minutes find every item like this. They are specifically set forth in italics, lest, perchance, some gentleman like the gentleman from Illinois might overlook them if we did not have a sign post provided for them; the committee did not feel it was taking advantage of such Members in reporting the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, there seems to be some other reason than that which has been found for the advancement of this provision in the bill. It is a fact that this House has already passed a resolution filling the vacancies that exist on the board of managers—passed it quite a while ago—and that resolution is now pending in the Senate, but for some reason it is being held up there. I do not quite understand why the House should come along at this stage of the game and endeavor to nullify a resolution filling the vacancies on that board to which it has just given its approval.

Mr. SHERLEY. If the gentleman will permit, the gentleman puts the cart before the horse. Is it not endeavoring to comply with the provisions of the House of last year that they were not to be filled instead of trying to fill these places?

Mr. ANTHONY. Oh, no. I understand that some months ago a resolution was passed by the House, which went to the Senate, filling the vacancies that now exist.

Mr. SHERLEY. Yes; but a year ago a provision was passed which said that these vacancies should not be filled.

Mr. ANTHONY. And defeated in the Senate, as should have been done. There is absolutely, Mr. Chairman, no reason why the membership of this board should be reduced unless it should be to center all power in the hands of a few men who desire to retain control of that board.

Mr. SHERLEY. Want to delocalize it.

Mr. ANTHONY. Yes.

Mr. MANN. What has become of that resolution?

Mr. ANTHONY. It is pending in the Senate; it has been reported favorably by the Senate committee and is pending in the Senate.

Mr. MANN. It has been reported favorably, as far as the gentleman's interests are concerned?

Mr. ANTHONY. I understand so.

Mr. MANN. I understand the Senate already has reported striking out the name of the gentleman in whom the gentleman is interested and has inserted another name.

Mr. ANTHONY. The gentleman is entirely mistaken. There has been one additional vacancy since the bill went to the Senate, and the Senate has stricken out one of the House names and inserted another.

Mr. MANN. Some one else has been stricken out.

Mr. ANTHONY. That is correct. Now, Mr. Chairman, I think it would be extremely unwise for this House to pass legislation of this kind, changing the make-up of the Board of Managers of the Soldiers' Homes, especially under the present conditions under which the board of managers have to do business. Their administration of the homes is under fire. It is being criticized very severely, and I am opposed, as one Member of the House, to the enactment of a provision like this, which would tend further to center the power and control of that board in a few hands instead of in a number.

Mr. GUERNSEY. Mr. Chairman, I move to strike out the last two words.

It seems to me the first duty of the Government toward the inmates of these homes is their proper care. I understand there are now 11 managers for the homes. The reduction of this number of managers to five will not give the proper supervision to the homes that they are now receiving. At the present time the managers are scattered about, so that they are near the homes, and the manager that is nearest a home visits it frequently and is more familiar with its needs than the reduced number of managers could possibly be with the homes scattered as they are all over the country. And, further than that, on the ground of economy it is not clear to me that the plan will result in economy. Certainly with 5 managers it will be necessary for some of them to travel much farther to visit homes than the 11 managers are required to do, with many of them located near the different homes. I hope the motion of the gentleman from Illinois [Mr. FOWLER] will prevail.

Mr. FOWLER. Mr. Chairman, I desire to speak in opposition to the amendment.

Mr. Chairman, I trust I will not be trespassing upon the time of the House when I contend for the preservation of the official channel through which these national homes are maintained and cared for.

I know, as a matter of fact, that there are some men in this House who are not very favorable to pensions of the Union soldiers. Neither are they much in favor of maintaining homes for the unfortunate soldiers who are now poor and unable to take care of themselves. Diseased in body, failing, because of age, in mentality, these men must either become a public charge upon individual localities or be taken care of by the bounty of this Government. I have no disposition to criticize the gentleman from New York [Mr. FITZGERALD] because of his attitude against striking out this provision or his attitude against liberal pensions for soldiers. But it ill becomes the gentleman, who has had long years of experience in this House, mixing and whetting his mind against the minds of such men as Tawney, DALZELL, and PAYNE, schooled under such influences, he has become an adept, not only in legislation but in preparing bills in this House—I say it ill becomes him to say that there is nothing in his bill that is not in harmony with the law——

Mr. FITZGERALD. I did not say that.

Mr. FOWLER (continuing). When there can be numbers of points picked out in his bill that would appear to be jokers. I have all due respect for the wisdom and integrity of the gentleman, but I detest the fat hog who will get to the swill trough first, whip off all of the poor ones, and eat the swill himself. He has fed here in the public crib of this country as a lawmaker for many years and had opportunities that other men have not had, and it ill becomes him to criticize men who seek to make his bill conform to law. Ah, he reported it one evening about dark, and the next day he was in this House asking for its consideration, a bill of——

Mr. FITZGERALD. Of 184 pages.

Mr. FOWLER. Of 190 pages.

Mr. FITZGERALD. We do not count the index.

Mr. FOWLER. Oh, yes; you do not count the index.

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

Mr. FOWLER. Mr. Chairman, I hope this section may be stricken out.

Mr. SHERLEY. Mr. Chairman, we do not always count the index, but sometimes some Members "thunder in the index." But coming back to the merits of this proposition, the reason for the recommendation of the committee was simply that we believed you would have a more efficient as well as a more economical administration by a reduction of numbers. Now, those of you who are familiar with the organization of these homes know that the practical management of them is under the charge of a governor, who receives compensation for his labor. The result of having an organization of this kind is not so much to see that the individual needs are taken care of as it is to have individual wants exaggerated. The whole proposition could be well stated in one word—that it is believed that it would be advisable to delocalize some of the conditions that now exist in connection with the management of soldiers' homes; and the need of that is best illustrated by the local speeches that are being made against the proposition.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. There were two amendments to the amendment, and I do not know that they have been withdrawn yet. One was to strike out the last word.

The CHAIRMAN. The Chair will announce that they are withdrawn. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the Chair announced that the "noes" seemed to have it.

Mr. FOWLER. A division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 34.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

State or Territorial homes for disabled soldiers and sailors: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $1,200,000: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. RUCKER of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Colorado [Mr. RUCKER] offers an amendment, which the Clerk will report.

Mr. MANN. Mr. Chairman, will the Chair allow a correction to be made in the spelling of the word "eighteen" at the end of line 10, page 99?

The CHAIRMAN. Without objection, the Clerk will make the correction indicated by the gentleman from Illinois [Mr. MANN].

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The Clerk read as follows:

At the end of line 22, page 99, insert the following: "That all the aforesaid homes shall be available to ex-Confederate regularly and honorably discharged soldiers."

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

The CHAIRMAN. A point of order is made against the amendment.

Mr. RUCKER of Colorado. Mr. Chairman, I do not know about its being subject to a point of order. This is a new matter; certainly a new matter in this Congress.

The CHAIRMAN. Does the gentleman desire to speak to the point of order?

Mr. RUCKER of Colorado. Yes; to the point of order.

Mr. FITZGERALD. Mr. Chairman, I will reserve the point of order for five minutes, and then I will insist on it.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] reserves a point of order. The gentleman from Colorado will proceed.

Mr. RUCKER of Colorado. I want to say, Mr. Chairman, that it is well known, not only to the membership of this Congress, but to the country at large, that if there were a bill before the House asking for pensions for ex-Confederate soldiers, there would not be one ex-Confederate soldier upon this floor nor the son of a Confederate soldier who would vote for it. But my amendment seeks to take care of those who are so feebly conditioned, possibly both in mind and in body, that they are not able to take care of themselves.

I want to say in this connection to the managers of this bill that I know of but one State in this Union where in the State home the ex-Confederates are entitled to all of the privileges along with the ex-Union soldiers, and that is the State from which I come. The measure was passed there by a unanimous vote upon the motion of an ex-Union soldier, and I appeal to gentlemen of this House whether it would not be better to follow the example of the State of Colorado and let the Nation give these old and feeble-limbed individuals who served in the "lost cause" admission to the national homes as we have done in our little State soldier's home in Colorado.

Mr. FITZGERALD. Mr. Chairman, there has been no demand for this legislation. Most of the Southern States have very generously taken care of their ex-Confederate soldiers,

and I believe it is not wise to precipitate a discussion on this matter simply upon the suggestion of one Member, and I insist on the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

BACK PAY AND BOUNTY.

For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the act of July 28, 1866, and for amounts for commutation of rations to prisoners of war in States of the so-called Confederacy, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year 1914, $25,000.

Mr. TAYLOR of Ohio. I move to strike out the last word, and I ask leave to extend my remarks on the pro forma amendment by inserting in the RECORD the address of Hon. Jesse B. Roote, of Butte, Mont., before the Washington State Bar Association.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD, and as a part thereof to insert the document indicated. Is there objection?

There was no objection.

Mr. NORRIS. Mr. Chairman, I rise to oppose the formal amendment of the gentleman from Ohio. I want to inquire of the chairman of the committee or of anyone else in regard to this particular paragraph.

Mr. FITZGERALD. Which one?

Mr. NORRIS. The one ending in line 7, page 100. It seems to make an appropriation for arrears of pay, for bounty, and so forth, and permits the widows and legal heirs to obtain the bounty on proper application. I should like to ask the gentleman if either the act of July 28, 1866, or some subsequent act, did not limit the filing of those claims, and if the time for filing them has not expired by virtue of the statute of limitations?

Mr. FITZGERALD. My recollection is that a limitation was fixed several times; but last year——

Mr. MANN. I think perhaps I can give the gentleman some information.

Mr. FITZGERALD. But last year a provision was inserted in the sundry civil act requiring that all the claims should be filed before December 31, 1912.

For the current year the appropriation is $200,000. For 1912 it was $300,000. It is now estimated by the auditor that $25,000 will be sufficient.

Mr. NORRIS. This appropriation can only be used for the payment of such claims as have been filed.

Mr. FITZGERALD. Prior to December 31, 1912.

Mr. NORRIS. Claims that are now pending.

Mr. FITZGERALD. Yes.

Mr. SHERLEY. It is estimated that there are about 4,000 claims, and Mr. Congwer stated that $25,000 would probably take care of them.

Mr. NORRIS. About what proportion of these claims have been allowed in the past?

Mr. SHERLEY. I do not know that all of these claims will be allowed, but Mr. Congwer said:

We have something over 4,000 claims on hand.

Prior to that he had stated:

I think if you will make that about $25,000 it will be ample to meet the claims we have on hand now.

Mr. NORRIS. Can the gentleman give me any information as to whether there will be any claims unprovided for?

Mr. SHERLEY. Only the statement that they consider that this amendment will be sufficient to take care of them.

Mr. NORRIS. Have you any evidence as to whether or not all the claims have been filed that would have any rights if they were filed?

Mr. FITZGERALD. The situation was this: There were a number of agents or attorneys who had been making a business of digging up these claims and filing them after getting retainers from the interested parties. That was practically all the work they did. The rest of it was done in the auditor's office.

Mr. NORRIS. Yes.

Mr. FITZGERALD. Congress provided that all the claims should be filed before December 31, 1912, and also prohibited agents or attorneys from receiving any compensation for presenting or prosecuting these claims. The combination of the two provisions is likely to stop it.

Mr. NORRIS. Can the gentleman state whether the limitation that we have passed is likely to shut out any just claims? Of course, if there are any old soldiers or widows of old soldiers who are entitled to this money, they should be paid.

Mr. FITZGERALD. Fifty years have elapsed since these claims accrued.

Mr. NORRIS. That is true; but I thought the committee might have some information as to how many there were.

Mr. FITZGERALD. I think all the meritorious cases have long since been paid. About $10,000,000 have been paid in the last 20 years.

Mr. NORRIS. Does the gentleman know how many claims have been paid within the last 10 years?

Mr. FITZGERALD. I do not. I can tell the amounts that have been paid in the last 10 years.

Mr. NORRIS. What was paid last year?

Mr. FITZGERALD. For the current year $200,000 was appropriated.

Mr. NORRIS. That was the appropriation.

Mr. FITZGERALD. They use all the appropriation, as a rule. The appropriations have been as follows:

For 1912, $300,000; for 1911, $467,000; for 1910, $400,000; for 1909, $400,000; for 1908, $500,000; for 1907, $200,000; for 1906, $200,000; and so on.

Mr. NORRIS. Can the gentleman tell me whether those amounts were all used up?

Mr. FITZGERALD. My recollection is that the appropriations were practically used up. In some cases these amounts include deficiencies.

The Clerk read as follows:

PUBLIC BUILDINGS.

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, $30,000, of which sum not exceeding $7,500 may be expended for day labor, except for work done by contract.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I notice in these paragraphs for the appropriation of the Department of the Interior there is no provision as to under whose direction the money shall be expended.

Mr. FITZGERALD. They are expended under the direction of the chief clerk of the Interior Department.

Mr. GREEN of Iowa. I would like to inquire whether the law makes any provision for the work being done under contract?

Mr. FITZGERALD. Seven thousand five hundred dollars is the amount which may be expended for day labor. The balance must be utilized by contract.

Mr. GREEN of Iowa. That is a general provision that applies to all the items unless otherwise specified in the bill?

Mr. FITZGERALD. The other items are by contract; $7,500 is practically for permanent repairs.

Mr. GREEN of Iowa. I desired to make the inquiry now so as to save time as to the other items of the bill. There is an appropriation of $220,000 for repairs to the Capitol. Will that be made under contract? That is on the following page.

Mr. FITZGERALD. I will discuss that when we come to it.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For repairs and improvements to the Patent Office Building, as set forth in Senate Document No. 543 of the Sixty-first Congress, to be expended under the direction of the Supervising Architect of the Treasury, and to be immediately available, $220,000.

Mr. MANN. Mr. Chairman, I reserve a point of order to the paragraph.

Mr. SAMUEL W. SMITH. Mr. Chairman, I reserve a point of order. I hold in my hand Senate Document No. 543, a letter from the Secretary of the Treasury submitting an estimate for appropriations for repairs and improvements to the Patent Office Building. I would like first to ask the chairman of the committee if there was any attention given to the proposition to straighten F Street when the committee considered this appropriation?

Mr. FITZGERALD. No; there was not.

Mr. SAMUEL W. SMITH. I would like to read a few lines from the report of the Commissioner of Patents, Mr. Edward B. Moore. It is as follows:

I desire also to call your attention to the accompanying report showing the condition of business in the Patent Office from 1836 down to January 1, 1910, which shows the increase in volume of work, the expenses of the bureau, and the net surplus each year. It can readily be seen that the office is self-supporting, the revenues coming in from fees paid by the inventors. The surplus all told is now within a few dollars of $7,000,000, which is a net surplus, after deducting salaries and charges of every sort against the bureau.

I want to ask the gentleman if the amount of this appropriation comes out of the $7,000,000?

Mr. FITZGERALD. These repairs will provide ample accommodation for the storage of the copies of the patents.

Mr. SAMUEL W. SMITH. That is not what I asked the gentleman.

Mr. FITZGERALD. I did not quite catch the gentleman's question.

Mr. SAMUEL W. SMITH. I understand what these improvements are to be made for, but the commissioner says that the surplus all told is within a few dollars of $7,000,000. Now, what I want to know is if the $220,000 is to come out of this $7,000,000?

Mr. FITZGERALD. That money has all been covered into the Treasury. There is no separate fund which can be said to be to the credit of the Patent Office. That report shows that a certain amount of money has been expended for the maintenance of the Patent Office and that the receipts are so much, and so they say we have a surplus of $7,000,000. You might as well say that there was a surplus to the credit of the Treasury Department in the collection of the total revenues above the cost of the service.

Mr. SAMUEL W. SMITH. Every little while the statement is made that the Patent Office has a surplus of $7,000,000, with which they ought to be able to build any kind of a building they want.

Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial which appeared in the Washington Post of yesterday.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD by printing an editorial. Is there objection?

There was no objection.

The editorial is as follows:

DEMOCRATS FOR PROTECTION.

The appeal of Mayor Fitzgerald, of Boston, to President Elect Wilson to use his influence against any reduction of the present duty of 12 per cent on boots and shoes merely shows a further disposition on the part of many Democrats to view the tariff as a local issue. Apparently, the only real difference between the rank and file of Democrats and Republicans is that the former believe the tariff a local issue, while the latter believe it to be a national issue. In justice to the leaders of the Democratic Party, it must be said that men like Mr. UNDERWOOD and Mr. CLARK are sincerely in favor of a tariff for revenue only, with application to all the States, but the great majority of their supporters, not only in the House and Senate but throughout the country, take a purely local view.

Time and again during the hearings before the Ways and Means Committee, pleaders for protection revealed themselves as stalwart supporters of the Democratic Party. At the hearing on the lumber schedule George W. Jones, representing the North Carolina Pine Association of Sawmill Manufacturers, took sharp issue with the plank in the Democratic platform favoring free trade, and yet admitted that he was a member of the Democratic State committee of his home State.

At one of the later hearings W. C. Temple, of Tampa, Fla., took the trouble to explain that the first time he ever voted he cast his ballot for Grover Cleveland, while the last time he cast it for Woodrow Wilson. He wanted the present duty on fruits maintained.

There are few Democrats in the United States who do not recognize the necessity of protection. Their position is different from that of Republicans only in degree. The Republican wants all industry, in all parts of the country, to enjoy protection; the Democrat, in each case, wants protection for his own State, but a tariff for revenue only in every other State.

Democratic members of the Florida Citrus Exchange threaten to quit the Democratic Party forever if it carries out its present plans to reduce the duties on fruit. Similar threats come from other Democratic sections. The rank and file of the Democratic Party itself is likely to be converted completely to the doctrine of a protective tariff if the party leaders attempt to put the Democratic theory of tariff revision into destructive practice.

Not only did a majority of the voters declare for protection definitely at the last election, but those who actually voted for Wilson have since been urging it. In the face of such an overwhelming sentiment, the members of the Ways and Means Committee, now engaged in making up the tariff bills, would show wisdom by proceeding along conservative lines.

Mr. MANN. Mr. Chairman, in the public-building bill which we passed the other day we made provision for plans for a new Patent Office. I take it that this is a temporary expedient if the other building should be constructed.

Mr. FITZGERALD. No; even if they move the Patent Office out of this building there will still be a demand for office accommodations which can be provided far cheaper in this way than any other way.

Mr. MANN. But suppose somebody should propose over in the House Office Building to construct a one-story building in the court there, would it not be similar to this proposition?

Mr. FITZGERALD. No; I think not. I think the Patent Office court is a larger one.

Mr. MANN. On the contrary, I should think it was a smaller court. I should be bitterly opposed to the proposition over here.

Mr. FITZGERALD. This runs two squares, from Seventh to Ninth Street.

Mr. MANN. I remember a few years ago I was chairman of a special committee in the House. I found the end of all of the corridors in the Capitol fenced off from the light and air by little cubby-holes, put there for the benefit of some committees or something of that sort, owing to the pressure for room in the Capitol. I succeeded in having all of those removed, so far as the House side was concerned, and have since resisted anything that tends to shut off the light and sunshine from the interior of a building where it properly can come in. I think it is a sin to do anything in the Patent Office Building or any other of the Government buildings in Washington which will tend to prevent the sun shining into the rooms, where it can be done, and the free circulation of air. We are becoming a tuberculosis-stricken people, and it is in the main because we shut light and sunshine out of our rooms. I do not know whether this building will do that or not, but if it will, I will do everything I can to defeat it. That is the reason I ask the gentleman whether it will or not.

Mr. FITZGERALD. The assurances given to the committee were that it would not. The plan originated with those in charge of the building itself. It has been gone into very thoroughly, and I believe it is a very desirable improvement.

Mr. NORRIS. The improvement is set forth in this Senate document?

Mr. FITZGERALD. Yes.

Mr. NORRIS. Could the gentleman explain to us what that provides?

Mr. FITZGERALD. My recollection is that 35 additional well lighted and ventilated rooms are made available in this way.

Mr. NORRIS. Is there any change made in the entrance to the building?

Mr. FITZGERALD. No; this is in the interior court.

Mr. NORRIS. And it does not change the exterior?

Mr. FITZGERALD. No.

Mr. MANN. Mr. Chairman, yesterday I asked the gentleman from Wisconsin [Mr. NELSON], a member of the Committee on Public Buildings and Grounds, which committee has had up the subject of the Patent Office, if he would not look into this matter, and I gave him a copy of the report upon which this item is predicated. After examining it he expressed to me the opinion that it would not interfere with the light and sun in this Patent Office Building. I wanted the statement of the chairman of the committee upon the subject. I will never consent, where I can prevent it, to putting a building on open air spaces in parks when that building does not belong there as a part of the park features, or in any court spaces in public buildings, where it interferes with the air and sunshine.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman the dimensions of this open place in the old Interior Department Building?

Mr. FITZGERALD. If the gentleman will wait, I think I can find it for him.

The CHAIRMAN. Does the gentleman from Illinois withdraw his reservation of the point of order?

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

The CHAIRMAN. The Clerk will read.

Mr. HAMILTON of Michigan. Mr. Chairman, one moment. I move to strike out the last word. I do it for the purpose of pursuing the inquiry that the gentleman from Illinois started. He says he is opposed to the exclusion of light and air. If we know the dimensions of this court and we know the size of the building proposed to be constructed, we can judge for ourselves.

Mr. FITZGERALD. The building runs from Seventh to Ninth Street.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Has the point of order been reserved on the Patent Office item?

The CHAIRMAN. The point of order was reserved by the gentleman from Illinois, and he subsequently withdrew the point of order. The gentleman from Michigan has now moved to strike out the last word.

Mr. COOPER. I was about to renew the point of order.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that it comes too late.

The CHAIRMAN. The gentleman is too late.

Mr. FITZGERALD. Mr. Chairman, the building proposed to be erected is four stories, 80 feet wide, with a corridor 10 feet wide in the center of it.

Mr. HAMILTON of Michigan. Eighty feet square?

Mr. FITZGERALD. Eighty feet wide.

Mr. HAMILTON of Michigan. How long?

Mr. FITZGERALD. I do not know the length of the court across which it goes.

Mr. HAMILTON of Michigan. Will it occupy the whole of the court?

Mr. FITZGERALD. Oh, no; the Commissioner of Patents and the chief clerk of the Interior Department, where this plan originated, have stated that it would not interfere with the lighting and ventilating of the present building, and they are more vitally interested in that than any outsiders would be.

Mr. HAMILTON of Michigan. I am very much in sympathy with the views expressed by the gentleman from Illinois.

Mr. FITZGERALD. I am in sympathy with the same movement. I would not favor the erection of any building which would in any way interfere with the most perfect ventilation and light from natural sources. There is no necessity for having any public building in such a condition that would bring criticism because it was insanitary or ill ventilated.

Mr. HAMILTON of Michigan. I assume the gentleman from New York has made a very careful investigation and satisfied himself, or this bill would not carry this appropriation——

Mr. FITZGERALD. This matter has been urged very vigorously and earnestly for several years by these officials.

Mr. MADDEN. A similar provision was reported in this bill some years ago for an addition to the Congressional Library Building. There has been no serious effect resulting from the construction of that building in that court, has there?

Mr. FITZGERALD. That was a large interior stack.

Mr. MADDEN. That is about the same thing as this.

Mr. FITZGERALD. That is practically the same thing; it was to put a light steel-and-glass structure there.

Mr. MADDEN. There has been no complaint about the construction of that over there, has there?

Mr. FITZGERALD. No; but there was very great criticism of the suggestion.

Mr. MADDEN. That is, at the time?

Mr. FITZGERALD. I have never heard any complaint. That originated with the Librarian, and of course he was thoroughly familiar with the situation.

Mr. COOPER. If the gentleman from New York will permit, do I understand this $220,000 is expended for a construction in the court of the Patent Office?

Mr. FITZGERALD. Across the court. It practically divides the court in two.

Mr. COOPER. Does not the gentleman from New York think that the much wiser course would be to build a new Patent Office, in keeping with the dignity of the office itself, which is really one of the most important institutions in this Government?

Mr. FITZGERALD. Well, the Patent Office Building is one of the most majestic buildings in the city, and the only trouble about it is that they require additional space.

Mr. COOPER. Well, I know; but has it never occurred to the gentleman that the air in the Patent Office is not good; that the building is not ventilated as modern structures are?

Mr. FITZGERALD. The trouble is this: The building is so congested now that it is necessary to utilize space in the corridors and in the rooms for stacks containing copies of patents. Under the law there must be printed 100 copies of every patent issued. They are accumulating at a tremendous rate, and are being put in the corridors and rooms and are crowding out the employees. With this additional space that condition will be relieved.

Mr. MADDEN. Is that for storage space?

Mr. FITZGERALD. Oh, no; it is not for storage space.

Mr. COOPER. Mr. Chairman, I have been in the building many times when the air was noticeably bad. I have heard complaints from employees that when the windows were opened the draft was dangerous, and when they were closed the air became so foul as to be dangerous. Instead of a Government like this putting $220,000 into a structure inside of a court, it would be much better to erect an appropriate, commodious, and entirely new building. Nothing in the history of the Government has been of more lasting benefit to all of the people than has the wonderful work of our inventors. The models of their inventions, with all of the documents relating to them and to the respective patents issued thereon, ought to be housed in one of the finest structures in this city—a building as fine as the Congressional Library.

Mr. PAGE. Mr. Chairman, I want to suggest to the gentleman from Wisconsin and to the committee, that the committee investigated this proposed building across the court in the interior of the Patent Office Building and found that it will not detract from the light or ventilation of the present building, and it will provide office space that is immediately needed for the occupants of the Patent Office, and it does not conflict in the slightest degree with the suggestion offered by the gentleman from Wisconsin that that particular bureau of the Government ought to have a new building. For the purpose of this argument I am willing to grant that, but we can construct the proposed building here within the space of eight months, and it can be utilized almost immediately to relieve the great congestion, and it is to be hoped that some of the bad ventilation and bad air may be gotten out of the old building within a reasonable time, so as to make it more suitable for the purpose of carrying on this bureau of the Government. We would not be able within five years, in my judgment, to erect a new building to give that relief.

Mr. COOPER. Will the gentleman permit a question?

Mr. PAGE. I yield.

Mr. COOPER. Will the construction of the proposed addition in the court tend in any way to improve the ventilation of the old part of the building?

Mr. PAGE. Not in the slightest degree. Neither will it make it worse.

Mr. COOPER. It could not make it worse.

Mr. PAGE. The gentleman will not contend that the Government is going to throw away and put into a scrap heap the building known as the Patent Office?

Mr. COOPER. I would not put it into a scrap heap, but I would leave it as it is to-day and proceed properly with the construction of a new and greatly needed Patent Office. I would not put a quarter of a million dollars into the construction of anything in that court.

Mr. PAGE. Even though there be a building constructed for a Patent Office, there are other bureaus under the Department of the Interior that are now in rented buildings, and this structure will not be thrown away, but can be utilized by the various bureaus that are now paying rents, and, in the opinion of some of us, enormous rents, in the District of Columbia.

Mr. COOPER. Does the gentleman say that other bureaus of the Government will be put into the new building in the court?

Mr. PAGE. No; I say in the event there is a new Patent Office and that bureau moves into the new building, this building that is proposed here can be utilized by some other bureaus under the Interior Department.

Mr. COOPER. Mr. Chairman, it has always been my firm conviction that the courts of buildings in this city, where the heat on the streets in the summer not infrequently runs to more than 100 degrees in the shade, ought not to be filled by structures of any kind. Has the gentleman an idea that there is to-day any court in any building in this city which is too large, in view of the summer heat, under which employees suffer here?

Mr. PAGE. That is a matter of opinion merely, and this committee was convinced this change would not make the rooms in the present building uncomfortable. The construction of it is going to be placed under the supervision of the Superintendent of the Capitol Building and Grounds, and its construction will be along lines that will make it at least comfortable for the people who have to work in it.

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

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 101 strike out all after the word "Congress," in line 9, down to and including the word "Treasury," in line 11, and insert in lieu thereof the following:

"All of the work to be done under the supervision and direction of the Superintendent of the Capitol Building and Grounds."

Mr. FITZGERALD. Mr. Chairman, the object of this is to relieve the Supervising Architect from this burden. He states that his office is so overloaded he can not undertake the work.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. FITZGERALD].

Mr. MONDELL. Mr. Chairman, I trust the amendment may be adopted. I want to say just a word about this building. It is one of the monumental buildings of this Capital city, and it is a building so constructed that, while it is old, it can be filled with modern plumbing where such is lacking, and it can be well ventilated. I occupied an office in that building for nearly two years. At that time the building was not so crowded as now and the ventilation generally was excellent. The difficulty with this building and many other public buildings is that, as we begin to crowd them and there is increased demand for space, they not only line the corridors with bookracks and files packed away for reference but, what is infinitely more harmful, they often close the ends of the corridors and make rooms of them. The result is that the corridor affords no ventilation, it simply runs against a dead wall and is of no such benefit in the ventilation of the building as it should be. That is the present condition of this building and a number of other public buildings.

I am inclined to the opinion that the improvement contemplated will not only not interfere with the ventilation of this building, but will be an improvement. This is a court between wings running to the street, and it is proposed to place on it a building with sufficient room to afford excellent ventilation between the buildings.

The construction of that building will make it possible to so relieve the congestion in the other building that it can be restored to its former condition as to the corridors, and when so restored the building can be well ventilated. The only trouble with that building now is that it is too crowded. There are

too many people in the building, and some of the plumbing needs renewing. There are many hundreds of tons too much material in the building, and it is important that we should get that material out.

Now, as to whether or no we should use this building permanently for the Patent Office is in no wise involved in this question. It is a building that ought to be valuable for generations for public uses, because it is a well-built structure, calculated to last for a great length of time, and is so built that, if not crowded, it is easily and readily ventilated. Any fault that it may have in that regard now is due to its overcrowded condition.

In my opinion we will beyond all doubt and in the no distant future provide another building for the present Patent Office. That office is not like some of our Government bureaus, a constantly reducing service, but one that will grow to great dimensions, and it is entitled to and will no doubt secure a permanent, new building of its own; but, as I said, we should not settle this question with any reference to that of a permanent building for the Patent Office.

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

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I yield.

Mr. COOPER. Is the gentleman aware of the fact—it is a fact, I am informed—that there are rooms in the Patent Office in which 20 people are working with only one place for washing facilities and with no running water at that? Talk about that being a modern building, with modern accommodations and systems of ventilation! I do not know where the gentleman gets his idea of modern ventilation. There is no approach to anything like it in that building.

Mr. MONDELL. If the gentleman quoted me correctly, he would not say that I said anything about its being well ventilated and well appointed. I said nothing of the kind. I said it is a building that can be easily and readily ventilated if it is not crowded. It can also be fitted with modern plumbing. The building is now in a tremendously crowded condition and, of course, the ventilation is bad and toilet accommodations are inadequate.

Mr. TOWNER. Mr. Chairman, I will not say that I shall oppose the adoption of this amendment, but I think gentlemen ought to hesitate a long time before committing themselves to this proposition.

Gentlemen will notice that this proposition is based on a report made, embraced in Senate Document No. 543, in the Sixty-first Congress. From an examination of that document I find that it is proposed to excavate the interior of the court of the building to the level of the basement floor, and to erect thereon a one-story structure in which to accommodate photolithographic copies of drawings, and to erect in the center of said court a building 80 feet wide, four stories high, with a central hall, 10 feet wide, connecting with the north and south wings of the present building, which will give 32 rooms 17 by 35 feet, which will accommodate 17 divisions, or nearly 300 employees.

We have it on the testimony of Members of this House that the present building, with the interior court entirely open and available for purposes of furnishing light and ventilation, does not do so; in fact, they assert that the building is not really habitable for work as it is; and yet it is proposed by this proposition to erect in the interior of this court a building four stories high to take up almost all of this room, and these men that are to occupy it are to be accommodated by what space may be left on either side of this court to furnish them light and ventilation.

It is also expected that what space may be thus left will furnish light and ventilation for the remainder of the building. If it were proposed originally to erect in the city of Washington a building that was to cost $220,000 and to establish it in an interior court, where it would be possible that only a very few feet of the space for air and ventilation could be obtained for those who are working therein, would any gentleman here present advocate that kind of a proposition? And yet that is what is here proposed—to erect in this space a large building four stories high, costing $220,000, with no opportunity afforded for adequate light or ventilation.

I might say that when the Commissioner of Patents appeared before the Committee on Public Buildings and Grounds he stated that it would be nearly impossible to so rearrange or rebuild this building as to give them the accommodations that they need, and he therefore advocated before that committee that a new building should be given to them.

I realize the fact that this building, this department, is inadequately furnished, and, as suggested by the gentleman from Wisconsin [Mr. COOPER], it is entitled to a good building. I would have been glad to see it included in the present omnibus building bill, and I hope that some satisfactory arrangement will be made soon to secure for this important department a suitable and adequate building.

But, Mr. Chairman, it would be vastly better now for us to hire and rent the additional space required than to build this addition, which, in my judgment, will have to be abandoned after it is erected. [Applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

Enlarging the Capitol Grounds: To continue the acquisition of the land described in the sundry civil appropriation act approved June 25, 1910, and as authorized and prescribed in said act, for enlarging the Capitol Grounds, $500,000.

Mr. SISSON. I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 103 by striking out the paragraph from lines 16 to 20, both inclusive.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that he may proceed for 10 minutes. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, may I ask how long this debate is likely to run on this item?

Mr. SISSON. I hope not long; but of course I have no idea.

Mr. MANN. I wondered if we could not arrange in advance as to the length of time.

Mr. SISSON. So far as I am personally concerned, unless several gentlemen want to be heard on the proposition, I am willing to agree to 10 minutes on a side.

Mr. PAGE. I ask unanimous consent that the debate on this paragraph and amendments thereto may be concluded in 20 minutes, 10 minutes to be used on this side of the House by the gentleman from Mississippi [Mr. SISSON] and 10 minutes to be under the control of the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. Is there objection?

Mr. CULLOP. I object.

Mr. MANN. How much time does the gentleman from Indiana want?

Mr. CULLOP. I do not know yet whether I will want any time. It will depend on the course of the debate; but I think I should like 5 minutes.

Mr. MANN. Make it 15 minutes on a side.

Mr. PAGE. I amend my request in that way.

The CHAIRMAN. The gentleman asks unanimous consent that the debate on this paragraph and all amendments thereto be closed in 30 minutes; that the gentleman from Mississippi [Mr. SISSON] have 10 minutes and the gentleman from Illinois [Mr. CANNON] 15 minutes under his control——

Mr. PAGE. And that the gentleman from Indiana [Mr. CULLOP] have 5 minutes.

The CHAIRMAN. And that the gentleman from Indiana [Mr. CULLOP] have 5 minutes. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, this matter has been in controversy for some time. This item went into the sundry civil bill about three years ago. It is not necessary to go in detail into the history of how it got into the bill, but this is the continuation of a project for the purpose of purchasing all of the property between the Capitol and the Union Station.

I have never felt that the United States Government needed all of that property. A great deal of it is built up with as good buildings as there are in the city. When the original estimate came in as to the expense that it would be to the Government, a little over $3,000,000, I stated that at the very next session of Congress it would cost more than $5,000,000, according to the assessed value; and if they had purchased all the land that was originally contemplated to be purchased it would have cost more than $5,000,000.

This property next to the Union Station was ground which the Union Station Co. ought to have parked for itself, and the turning over of all this property to the Federal Government gives the Union Station Co. the benefit of the park at the expense of the Government of the United States.

The commission that was appointed under the original act has had $1,500,000 at its disposal. About $1,200,000 of that money has been expended. The commission now has to its credit about $300,000. The property which was taken first were the squares next to the Senate Office Building, commonly known as the Babcock property. Then they bought the property of which a portion belonged to the Baltimore Railroad Co., and unless I had a map here I could not indicate the square. The report shows the squares, but, in the absence of a map, you can not

determine the exact location unless you are thoroughly familiar with the property.

Now, I do not believe that it is necessary for the Government to proceed at this time. I do not believe that it was ever necessary for the Government to own this property. We have an opportunity here to cease purchasing any more of this property. If the Government should need the property already purchased in the future for its buildings, or for any other purpose, then the money has not been thrown away.

The last time this matter was up in the House I made a motion to strike this clause out of the bill, but, as gentlemen who are here will recall, there were not more than thirty-odd people—perhaps 40 or 45—in the Chamber. The Baltimore convention was in session, and just prior to that the Chicago convention had been in session, and with the understanding that the Members might attend the Chicago convention and with an understanding that Members might attend the Baltimore convention, there was a gentleman's agreement made that there should be no points of order that no quorum was present. I was bound by that agreement and did not make it, so a very few Members have ever voted on the matter.

At that time it was put in the bill by 4 or 5 votes, according to my recollection. I recall that there was one Republican that voted on that side against it, and the balance of the votes against it were Democratic.

Now, at that time if we could have had a full expression of the membership of the House, and they had determined to continue the purchase of the property, I would not at this time press this matter, but I believe it is a useless expenditure of public money, and I insist that the paragraph go out. In addition to that it means the adding to the care of the Capitol grounds a space about double what it is now, and I do not believe it is necessary; especially do I not believe it necessary when if the Union Station people desired that it should be park property it might park its own property, because the Union Station railroad companies own two squares adjacent to and contiguous to it, and portions of two other squares adjoining that property.

I introduced a resolution, which the Committee on Rules did not report, the committee being divided, a proposition for ascertaining who were the owners of the property. That matter was never gone into because the committee declined to report the resolution.

I do not care now to discuss that matter, but prior to the time the money was expended I would have liked to know who owned the property. I trust that the membership of this House will not now put upon the Treasury the burden and the expense not only of purchasing the balance of this property but of maintaining and caring for it, and tearing down this good property, for it is good property. There are several squares where the property is not in the best of shape, but from Arthur Place up to the Senate Office Building the property will compare favorably with any property in any portion of the city of Washington.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. STEPHENS of Texas. Is the Maltby Building one of the buildings that will be torn down?

Mr. SISSON. Yes.

Mr. STEPHENS of Texas. Is it not a fact that it is contemplated putting 30 or 40 Congressmen in there?

Mr. SISSON. I understand there is such a proposition, but I do not know.

Mr. STEPHENS of Texas. Is it not one of the best buildings in that square?

Mr. SISSON. I have been in it and it is a good building. Whether it is one of the best I do not know. I have been uniformly and earnestly opposed to the purchase of this property. I am willing, if we can get a full expression of the membership of the House, if we can get a full committee to pass upon it, and the committee shall determine this question against me at this time, I am willing to quit the fight. But I am unwilling to do so unless we have a full committee, or a full House, and get a vote on the proposition. Then if it is against me, and we have a quorum of the Committee of the Whole, I am willing to quit. If I have any time, Mr. Chairman, I yield it back.

Mr. CANNON. Mr. Chairman, I want to yield a little time to the chairman of the committee, who is out at just this present moment. Will the gentleman from Indiana use some of his time?

Mr. CULLOP. I prefer that the gentleman from Illinois use his time now.

Mr. CANNON. Mr. Chairman, I ask the chairman to notify me at the end of 10 minutes.

Mr. Chairman, a law was enacted taking, in round numbers, 12 squares between the Capitol Grounds and the Senate Office Building down to, I believe, First Street, and then across, with a view of having roads or avenues angling across to the terminal. That is a law. It was not in its detail a wise law, although it has worked out to the place where we now find ourselves. A commission was appointed, consisting of the Vice President, the then Speaker of the House, and the Superintendent of the Capitol, with directions to purchase if it could be purchased at a fair price, and if not to condemn the property. Five hundred thousand dollars a year under this law was to be appropriated. There have been $1,500,000 appropriated in three years. We first condemned the two blocks between the Capitol and the plaza, where the old Baltimore & Ohio depot stood, and between the Senate Office Building and the western boundary of the plat described. It was supposed that it would cost about $7,000,000 to acquire this property. It was hoped that it might be acquired for less money; that when the Government had declared by law that it was going to take it that the owners of the property would fall over themselves to sell it at a cheap price, as they could not sell it to anybody else. That was the theory. We advertised, when we got the first $500,000, for offers for all of the property.

Mr. SISSON. Mr. Chairman, will the gentleman permit an interruption?

Mr. CANNON. I have but little time.

Mr. SISSON. I think the gentleman is mistaken in his statement. The original estimate when this bill went into effect was $3,200,000, was it not?

Mr. CANNON. I have a copy of a hearing here, held May 31, 1912, before the subcommittee.

Mr. SISSON. But I am speaking of the first estimate.

Mr. CANNON. The gentleman has had his time. I do not recollect nor do I care. I had nothing to do with the enactment of this legislation, directly or indirectly. A year ago, in May, 1912, at a hearing at which this matter was up, what were supposed to be the best judges we could get stated that it would amount to $7,000,000 in the aggregate. We advertised. We obtained bids for nearly all of the property, but it aggregated, according to my recollection, something over $8,000,000. We could not buy a single tract; and then we condemned a part of the land that I have referred to—the two blocks—for $1,100,000, in round numbers.

Mr. TOWNSEND. That is, for those two blocks?

Mr. CANNON. For those two blocks; and they are the most valuable blocks.

Mr. MADDEN. How did that price compare with the offers made by the owners?

Mr. CANNON. Oh, it was, say, 25 per cent less; I would not be certain. I am satisfied, after full inquiry, after the condemnation proceedings, after the report of the commissioners and of everybody else, that it was condemned at a less price than property was ever before condemned at by the Government. That has been paid for, substantially. There are $380,000 left not yet paid, unexpended.

Another half million dollars and then another half million dollars were appropriated, making a million and a half altogether. We found that as we appropriated, appropriating a part of it, the price would spring with the future appropriations. We took the advice of the Attorney General, after full investigation, and he said that it could all be condemned without waiting for the appropriation. It has been appraised, and the values have been found, and it is ready now to be acquired by the Government whenever we make the appropriation.

Mr. MADDEN. How much does it all amount to?

Mr. CANNON. In one moment. In good conscience, as it has all been condemned, it ought to be paid for. The law provided for an appropriation of $500,000 yearly, and the committee, after investigation, has recommended the appropriation for the $500,000. I will now give the gentleman from Illinois the information that he desires. All of this property, save alone Arthur Place—which my friend was very anxious should not be condemned because it has a new expensive hotel built on it—was condemned for $4,323,000, in round numbers. We left Arthur Place out, because we found that from the Peace Monument, on the Avenue, by cutting off a little bit of the present Capitol Grounds, we could dispense with it, and if Congress ever desires that it be condemned in the future it can be condemned.

Mr. TOWNSEND. Is that in addition to the blocks already condemned?

Mr. CANNON. No; that amount, $4,323,000, includes all. From the last condemnation $380,000 appropriated remained, and if this appropriation is made there will be $500,000 to be added to the $1,500,000, making $2,000,000 appropriated. But

it will require in the end, to finish up and for the whole property, $2,823,972.35 yet to be appropriated, which includes the half million dollars recommended by this bill.

Now, the gentleman from Mississippi says the law ought never to have been passed. It was passed. We have acquired these two blocks. They were residences. They have all been condemned and almost entirely paid for. I think Congress acted wisely. The Continental Hotel has been put up. This condemnation does not include that, and around this Plaza and in the Plaza, if Congress had not taken this property and provided that it should be taken by law, hotels and buildings would have been put up. And so it is on the east side of the Plaza, as it appears now.

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. CANNON. Well, I will use two minutes more. Undoubtedly buildings would have been put up and in the end would have been taken. We have got the terminal, we have got the Capitol, and now we have got this property at the lowest possible price, and I want to congratulate the Attorney General and the appraisers and all hands for the price at which this property has been condemned.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. CANNON. Yes.

Mr. COOPER. The gentleman said a little while ago the estimate at one time was $7,000,000. I recall distinctly I heard many men say it would be $10,000,000, and here is the Attorney General's report, testifying before the committee, that members of the committee, even in the last year, thought it would be $7,000,000.

Mr. CANNON. It is an exceedingly advantageous purchase by condemnation, and I believe the appropriation ought to be made, so far as this bill is concerned, which only carries $500,000 that the law provided for yearly. I am glad we condemned the property and that we have got it, whether Congress objects to the condemnation now or not, simply for the reason that if we had condemned $500,000 a year I have no doubt, bidding against ourselves by condemnation piecemeal, that it would have cost at least a million and a half or two million dollars more.

Mr. CULLOP. Will the gentleman yield for a question right there?

Mr. CANNON. My time is short. If I can have unanimous consent for five minutes for the chairman of the committee, I will use the balance.

Mr. CULLOP. I will give the gentleman one minute of my time if the gentleman will answer my question.

Mr. CANNON. Can I have unanimous consent for five minutes more?

Mr. CULLOP. I ask unanimous consent that the gentleman have five minutes.

Mr. SISSON. I shall object, unless I can get five minutes.

Mr. CANNON. Well, that is all right; I would just as soon the gentleman have five minutes more as not.

Mr. CULLOP. I ask that each gentleman may have five minutes, as both seem to be well posted.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. CANNON. Now, I want to say that this is a great Capital. All the people that come from all over the country to it land at that terminal. I was not in favor of the terminal, but now we have got the terminal I am glad we have got it. The Congress was wiser than I was, and when they land there, let me tell you, gentlemen, that, with the multiplied hundreds of thousands who come, they will be glad to see no big building or small building between that landing place and the Capitol. [Applause.] Let me say again that a constituent of mine, a close-fisted farmer, a year or two ago came down here, and I showed him some attention, and, among other places, I took him over to the Library, and he went through it. "Well," he said, "this cost a good deal." "Yes; it is an expensive thing," and he looked at it. He had never seen anything like it. I said, "It is the greatest show building on earth, and they say it costs $1.70 for every book that is removed from a shelf." He looked all around, and he swelled up—he was worth not to exceed $20,000—and he said, "I am glad it does, and I am glad to have the chance of seeing it." [Applause.] One other instance. Two boys enlisted in the Army at the beginning of the war for the Union. They came down here—they had a few days' leave of absence—and they looked about and went about this Capitol, and one of them said, as he looked at the Capitol and climbed the steps and looked about him, "My God! I never realized before what this country meant." And he said, "Let what happen to me that may, it is an object lesson for which I am willing to die." [Applause.] Oh, gentlemen, there is something in sentiment. You know how rich this country is. I am for a sufficient Capital; I am for good buildings; I am for an arts commission. I want to do it and do it well; it is worth a hundred times its cost. [Applause.]

Mr. DICKINSON. Will the gentleman answer just one question?

Mr. CANNON. Yes.

Mr. DICKINSON. Will you please state what will be the aggregate cost of the entire property already taken and to be taken?

Mr. CANNON. Four million three hundred thousand dollars, in round numbers.

I will reserve the balance of the time of the chairman of the committee, who will be in a little later.

Mr. CULLOP. Mr. Chairman, in 1910, when this policy was begun, I thought then the manner in which it was instituted was entering upon a very expensive course, and I am still of that opinion.

I have no objection to the beautifying of the grounds between this Capitol and the Union Station. I believe that it ought to be improved, and I believe all the necessary steps should be taken to make them as attractive as possible. But the part I am objecting to now on this policy is this: I understand that the entire cost of the real estate that is to be acquired will amount to $4,323,491.28, and that this addition, which makes up the difference between that sum and the $7,000,000, is for the cost of removal of the buildings.

Mr. CANNON. Oh, no. There is no $7,000,000 limit on it; and the wreckage will pay a profit for its removal, and more, too.

Mr. CULLOP. That is the question I wanted to ask the gentleman. I see here that on May 31, 1912, the Attorney General reports that the entire cost will amount, as was disclosed at that hearing, to $7,000,000.

Mr. CANNON. That was the best estimate that we could get.

Mr. CULLOP. Now, I believe the gentleman from Illinois [Mr. CANNON] will agree with me that the property to be removed will pay the expense of removing the same?

Mr. CANNON. And a good deal more.

Mr. CULLOP. And a good deal more; and all the Government should be out for the acquirement of this property is the $4,323,471.28.

Mr. CANNON. That is all it will be out.

Mr. CULLOP. Now, I find that it is contended by gentlemen on this floor that the value of the property to be removed—the houses and the material in them—will not pay the cost of the removal, but that the Government will be put to an expense for the removing of the same.

Mr. CANNON. My information, from the best-trained men that I could get at, is that the wreckage will more than pay for the removal of it.

Mr. CULLOP. In my judgment, the wreckage ought not only to pay for the removal of it, but a large part of the expense of improving the grounds.

Mr. CANNON. I think it will in part do so. Just how much, I do not know. I am only dealing with what I know about it, namely, the condemnation of the property.

Mr. CULLOP. Now, there has been already appropriated $1,500,000. The policy is, as I understand it, to appropriate half a million each year until the whole scheme is consummated.

Mr. CANNON. I want to say to my friend that I do not want to deceive anybody. We found that we could condemn this property much cheaper at wholesale than at retail. Now, Congress need not appropriate a cent, need not necessarily take any of it, but I believe it is equitable, and I hope when the matter is fully presented finally, and when it is considered during this session, the $3,200,000 necessary to completely pay for this property will be appropriated. [Applause.]

Mr. CULLOP. It is therefore, Mr. Chairman, the manner in which this affair was instituted that deserves criticism. Of course, the value of these properties soared when the first step taken was to pass a provision through Congress to acquire the same. It served notice on the owners that the Government was going to purchase the properties, and then, naturally, the owners, with this authentic knowledge, would increase the price far above the real values. After telling them the Government was to have their properties they well knew they could dictate the price, and they have done so. This is the feature of the matter which, in my opinion, merits complaint and deserves criticism. They have done, in holding out for an excessive price, just what others would have done under like circumstances. It was their opportunity, and they have embraced it. Prudence in business methods would have suggested a different plan for the acquirement of these properties. Now, it is asserted, and I do not know by what authority, that a large sum will be required to remove the buildings on these grounds. This ought not to be

the case if it is contemplated. The value of the wreckage, if properly handled, will not only pay for the removal of the same but should be sufficient to leave, after paying all such expense, a large surplus. I am opposed to appropriating anything for this purpose, and I hope if any such an appropriation is proposed it will be voted down. Practical business methods should be applied to this matter, and if they are the public will profit thereby.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CULLOP] has expired.

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

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I believe I have five and one-half minutes.

Now, this property will cost, if you include the property on which the Driscoll Hotel now stands, the amount which I stated it would cost when I first made the fight against the proposition, to wit, about $5,000,000. When this item was put in in the Senate on the sundry civil bill the estimates then made by those people who advocated the proposition was $3,200,000. Now, after they put the law on the statute books, I find men coming before this commission and saying it is worth $7,000,000. I never said it would be worth $7,000,000. I pointed out at one time on this floor, when I first addressed myself to this, that it would cost $5,000,000, and if they had condemned all the property it would have cost $5,000,000. I had the matter investigated at the time, and, upon the estimates I had, it would have cost that amount.

If they had taken all of the property, it would have cost $5,000,000, notwithstanding the fact that the original estimate when this law was passed was for $3,200,000, and now these witnesses who come before this commission say that a reasonable price was $7,000,000.

Why, that was while they were selling it to Uncle Sam, and property that was assessed at $1 per square foot was condemned on the testimony of the witnesses at a much higher figure. I am not censuring the gentleman from Illinois [Mr. CANNON] or the commission, because under the rules that obtain in the purchase and sale of real estate in this city they could not help themselves, under the testimony, if they wanted to buy property here.

Now, we all believe in beautifying the Capitol Grounds. But how many crimes are committed on the Federal Treasury in the name of beautifying the Capitol Grounds! How many times do we find people giving the opportunity to Congress to buy a fringe of timber for the purpose of enlarging the parks! I did not believe, and I do not believe now, that this property which is being purchased could be purchased for less than $5,000,000, and if they had taken all the property that was included in the original proposition it would have cost $5,000,000. Now they eliminate some of it, and it will cost four million and some odd thousand dollars. Only $1,200,000 has been expended of that amount.

I trust that the committee will vote this section out of the bill, because I do not believe that the condition of the Public Treasury, in view of the expenses of this session of Congress, will warrant us in spending money for things that may wait.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, can the gentleman state what the assessed valuation of the property was?

Mr. SISSON. The Chair is evidently mistaken. I was watching the clock carefully, and my belief is that I have some time remaining.

The CHAIRMAN. The time of the gentleman has expired, according to the record kept by observation of the clock here. The gentleman from Illinois [Mr. CANNON] is entitled to four minutes.

Mr. CANNON. How much time did the Chair say I have remaining?

The CHAIRMAN. Four minutes.

Mr. COOPER. Mr. Chairman, will the gentleman yield for a question?

Mr. CANNON. I yield to the gentleman from New York [Mr. FITZGERALD] four minutes, and the gentleman from Wisconsin [Mr. COOPER] asks if I will yield to him 30 seconds.

Mr. COOPER. I simply wish to quote the figures given in the report signed by the gentleman from Illinois [Mr. CANNON] and Elliott Woods as to the condemnation proceedings. They say:

> The commission therefore recommends that the sum of the awards, $3,204,434.78, less the available balance, $380,462.43, of the former appropriations on hand, namely, $2,823,972.35, be appropriated by Congress at the present session to satisfy the awards when confirmed by the court, and thus immediately vest title to the property in the United States.

That shows that the balance to be paid for the land would not be $2,300,000, but $2,823,932.35. The $500,000 in the pending paragraph is to apply on that last amount. Is that correct?

Mr. CANNON. Yes.

Mr. FITZGERALD. Mr. Chairman, four or five years ago Congress determined to buy the property between the Union Station and the Senate Office Building.

Mr. SISSON. I know the gentleman does not want to make a misstatement. It was in June, 1910, three years ago.

Mr. FITZGERALD. Yes; three years ago; and since that time $1,500,000 has been appropriated for that purpose. According to the report of the commission, as the result of the condemnation proceedings, there will be required a little over $2,000,000 in addition to the $500,000 carried in this bill.

I am one of those, Mr. Chairman, who believes that this property should be acquired in order to add it permanently to the Capitol Grounds.

I regret that the gentleman from Mississippi [Mr. SISSON] takes the attitude he does toward this matter. I called attention last year to the fact that to another great Mississippian was due the present Capitol Grounds and the addition of the two wings of this Capitol; and one of the things that is seldom mentioned, but which redounds greatly to the credit of Jefferson Davis, is the fact that under his leadership and by his efforts the two wings of this Capitol were authorized and the Capitol Grounds were extended to their present dimensions. That was half a century ago, and to-day, with the Union Depot constructed and the development of Washington proceeding rapidly, a proper addition to these Capitol Grounds is the land between the two buildings.

Now gentlemen are familiar with the situation. It was stated and variously estimated that it would cost $7,000,000 or more in order to acquire this land, but the report shows that the total cost will be less than $5,000,000. I know of no public improvement more desirable in this city.

Mr. SISSON. I am sure, Mr. Chairman, that the gentleman does not want to make a misstatement.

Mr. FITZGERALD. No; I do not.

Mr. SISSON. I have the record here, and I want to correct a statement I made. The original estimate was that it would cost $3,600,000. I thought it was $3,200,000.

Mr. FITZGERALD. That is true. But the statement has repeatedly been made in the discussion of this item that, based upon previous experiences, the cost of this ground would exceed $7,000,000.

The commission has declined to make any private purchases. I understand the gentleman from Illinois [Mr. CANNON] has repeatedly stated that in view of his connection with the commission, and of the criticisms made of such commissions, he has insisted that this land be taken in condemnation proceedings.

I hope the amendment will not prevail.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Mississippi to strike out the paragraph.

The amendment was rejected.

The Clerk read as follows:

> Restoration of lands in forest reserves: To enable the Secretary of the Interior to meet the expenses of advertising the restoration to the public domain of lands in forest reserves, or of lands temporarily withdrawn for forest-reserve purposes, $16,000.

Mr. RUCKER of Colorado. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from New York [Mr. FITZGERALD] if this is the same amount that was appropriated last year.

Mr. FITZGERALD. Last year it was $20,000.

Mr. RUCKER of Colorado. Was it all expended?

Mr. FITZGERALD. It is available this year and we can not tell just yet. But this amount, $16,000, is the estimate of the Commissioner of the General Land Office, and a statement of the amount he believed would be required. We have given all that was requested.

Mr. RUCKER of Colorado. Mr. Chairman, I ask leave to withdraw the pro forma amendment, and I move to strike out "sixteen" and insert in lieu thereof "twenty."

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amend, page 106, line 10, by striking out "sixteen" and inserting in lieu thereof "twenty."

Mr. RUCKER of Colorado. Mr. Chairman, this sum of money is to be expended all over the country. Some 400,000,000 acres of land are in forest reserves. We have 15,000,000 acres of land in forest reserves in the State of Colorado. This bill is the progeny of an administration favoring the taking up and keeping from the taxing power of these various States where these forest reserves are located the land included in them. We are

now getting into another atmosphere politically, and it is my belief that if $20,000 was needed heretofore, when a small number of acres were eliminated from the forest reserves in the State of Colorado, we ought now to have $20,000, because, in my judgment, the work of that department is going to be materially increased, for I believe the incoming administration is going to eliminate very much more land from our forest reserves than the former administration did.

In this connection I want to say that there has been an infusion of new blood into the legislative hall at the other end of this Capitol from Colorado, and there is going to be an infusion of new blood in the next Congress at both this and the other end of the Capitol, and all of the present and the new Members, except one distinguished gentleman, are against this bureaucratic policy heretofore in vogue with reference to these forests, and bulwarked as they will be by an administration, whose face will be set against such policy, much may be expected.

In this connection, as I see my time is up, I want to include as a part of my remarks a report appearing in a recent issue of the Rocky Mountain News of a lecture delivered by Mr. John F. Shafroth, then governor, now Senator elect, before the students at the University of Michigan about 10 days ago. I ask to have it printed as a part of my remarks upon this question, because it deals directly with this and other kindred questions.

The CHAIRMAN. If there be no objection, the request of the gentleman will be granted.

There was no objection.

The article referred to is as follows:

SHAFROTH SLAPS PINCHOT POLICY—ENTIRE STUDENT BODY OF ANN ARBOR HEARS PROTEST OF COLORADO SENATOR—LIKENED TO BRITISH TAX—STATE IN SAME SITUATION AS WERE THIRTEEN COLONIES, EVEN IN REVENUE'S EXPENDITURE.

Senator John F. Shafroth addressed the entire student body and faculty of Ann Arbor University, his alma mater of the days of seventy-six, last night by special invitation of the faculty tendered him weeks ago. Ann Arbor also is the college home of his son Morrison, a graduate of the class of 1910, and William, who is now attending the college. Senator Shafroth was an honored guest Saturday night at the annual "jay hop" or "prom," the great social event of the year there.

UNDUE BURDEN INTENDED.

Gov. Shafroth in part said:

"Pinchot's policy would not only deprive the States of the means of raising the necessary revenue to establish and maintain good government, but in addition to that injustice the advocates thereof propose to make revenue for the Federal Treasury by taxing the natural resources of the West. By so doing they propose to make the mountain States pay an undue proportion of the burdens of the National Government.

"It has been estimated by the Geological Survey at Washington that there are contained within the boundaries of Colorado 371,000,000 tons of coal. More than three-fourths of this coal is upon the public domain. If a rental of 10 cents a ton is to be imposed upon that natural resource of Colorado, it would mean ultimately that the citizens of our State must contribute $27,000,000,000 to the Federal Treasury. This tax is advocated on the ground that it will prevent waste.

"According to this geological report Colorado alone has sufficient coal to supply the world, at the present rate of consumption—of about 1,250,000,000 tons per annum—for 300 years. Although my State is now mining 11,000,000 tons of coal a year, yet our production for 50 years has exhausted only one-half of 1 per cent of our coal deposit.

RENTAL ON WATER POWER.

"It has been estimated by the authorities at Washington that from 1,000,000 to 2,117,000 horsepower can be generated from falling water in Colorado. If the Government is to charge $1 per horsepower as a rental for a temporary right of way for transmission lines, and conducting that water on Government land until it attains a height sufficient to generate power, it will mean, when this power is fully developed, a rental to the National Government from the inhabitants of Colorado of from $1,000,000 to $2,117,000 a year. It must be remembered that every horsepower generated by falling water saves the burning on the average of 21 tons of coal each year.

"If royalties are to be paid for the extraction of the precious and base metals, other millions will be turned into the Federal Treasury from the natural resources of our State. It may be that it will be proposed, as is done in the forestry department at Washington, that one-fourth of the receipts will be turned over to the State treasury, to be used only for certain purposes to be prescribed by the Federal Government.

BRITISH TAX RECALLED.

"But is it equal or fair treatment to our Commonwealth for the Government to impose any tax whatever upon our natural resources, which it has never imposed upon the older and richer States of the Union? It must be remembered that the act of Parliament of Great Britain, imposing duties upon goods shipped to the thirteen colonies, against which our forefathers rebelled, provided that the revenues derived therefrom should be expended in America for its protection and defense.

"All taxes upon production must ultimately be paid by the consumer—yea, more, such policy means that the people will have to pay additional prices for such products far in excess of the royalties which will be obtained by the National Government. It will put our people at a disadvantage in the struggle for industrial supremacy.

"Of the entire Union, the mountain State of Colorado is the best protected territory from foreign invasion. Even without a navy or fortifications no hostile power could ever devastate our fair Commonwealth. Yet in the form of import duties and internal-revenue taxes we cheerfully contribute to the National Government our fair proportion, even if those revenues are largely spent in building *Dreadnoughts*, in constructing seashore fortifications, and in being prepared for war against a hostile nation. The last Congress appropriated over $200,000,000 for those purposes.

CHEERFULLY AIDS OTHERS.

"We have no navigable streams, yet our Representatives in Congress cheerfully vote appropriations for improving the rivers and harbors of the country for internal and foreign commerce. In the Sixty-first Congress alone these appropriations for rivers and harbors amounted to $88,902,830.

"The State of Colorado pays into the National Treasury more than $5,000,000 a year, which is its fair proportion of the revenues of the Government collected from all the States of the Union. But the Western States object most strenuously to paying additional millions, the effect of which must be to retard the development of their natural resources.

"It is bad enough to be compelled to exempt from taxation, until disposed of, the 15,000,000 acres of forest reserves and 9,000,000 acres of coal lands of the public domain in Colorado, and thereby make us pay an equivalent for these lands every 30 years and yet never own a foot of the same. But we can not, in addition to that, consent to a tax upon our natural resources, to be paid into the Federal Treasury."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. The bill carries the amount estimated for by the Commissioner of the General Land Office, and it is believed that this sum will be necessary. The work that is done depends upon the lists received from the Department of Agriculture, and, based upon the experience of the Land Office during the past, the commissioner believes that the $16,000 will be sufficient. Under these circumstances there is no reason for appropriating a larger sum.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. RUCKER].

The amendment was rejected.

MESSAGE FROM THE SENATE.

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

S. 8195. An act granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz.;

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota;

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri; and

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River near the mouth of the Missouri River.

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

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict;

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

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 23293) for the protection of the water supply of the city of Colorado Springs and the town of Manitou, Colo.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Opening Indian reservations (reimbursable): To meet the expenses pertaining to the opening to entry and settlement of such Indian reservation lands as may be opened during the fiscal year 1914: *Provided*, That the expenses pertaining to the opening of each of said reservations and paid for out of this appropriation shall be reimbursed to the United States from the money received from the sale of the lands embraced in said reservations, respectively, $20,000.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee if he can give us any information as to the cost of these reservation openings; if he has any figures that will show what the expense is in connection with any one of the openings, or more than one?

Mr. FITZGERALD. I do not recollect.

Mr. MONDELL. Will the gentleman from New York yield to me? The only expense paid out of this fund, or the principal expenses, are the traveling expenses of the office force here in Washington to attend the opening, and whatever expense is necessary at the point where the openings are had.

Mr. BURKE of South Dakota. Can the gentleman give us information as to how much is required? It seems to me that $20,000 is a large sum. The superintendent who directs the opening is a man already in the service of the Government in the General Land Office.

Mr. MONDELL. And a very careful man.

Mr. BURKE of South Dakota. A very careful man, and a man whom I hope to see promoted in the near future.

Mr. MONDELL. I join with the gentleman in that hope.

Mr. BURKE of South Dakota. But the expense must be largely traveling expenses, except, I presume, in the matter of advertising, maps, circulars containing instruction as to how the opening shall be conducted, and so forth, considerable is expended.

Mr. MONDELL. My understanding is, and I judge from the hearings, that a large portion of this is to be used at one opening, the Fort Peck opening. I think the gentleman knows that the officer of the department who has charge of these openings will not go to any unnecessary expense.

Mr. BURKE of South Dakota. I agree with the gentleman.

Mr. MANN. May I inquire of the gentleman what patronage this officer has?

Mr. MONDELL. None.

Mr. BURKE of South Dakota. None in the world.

Mr. MANN. Then I can not understand the purpose of these complimentary remarks.

Mr. MONDELL. He is a good Democrat and has made a good commissioner.

Mr. BURKE of South Dakota. Not only a good Democrat but a good Missouri Democrat.

The Clerk read as follows:

For the investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $347,000.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word. I have just received a telegram and I have not had time to verify the statements contained in it. It is signed by the president and the secretary of the Ohio miners. It is as follows:

COLUMBUS, OHIO, *February 19, 1913.*

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.:

We have just learned the committee has reduced the appropriation asked by Bureau of Mines to $100,000. We believe this is inadequate for the purpose of placing our mines in a safe condition. The mining industry being one of the most important in America, we believe that Congress should appropriate sufficient funds so that the Bureau of Mines can consummate the work nobly commenced by them in devising ways and means of protection for the miners of the United States. Trust that you will give your support in behalf of the appropriation asked by the Bureau of Mines.

JNO. MOORE,
President Ohio Miners.
G. W. SAVAGE,
Secretary-Treasurer Ohio Miners.

Now, I have had no chance to verify that statement, but I desire to know of the gentleman in charge of the bill what the fact is.

Mr. PAGE. Which item is the gentleman referring to?

Mr. WILLIS. The item is at the bottom of page 111, for the investigation as to the cause of mine explosions, the methods of mining, especially in relation to the safety of miners, and so forth.

Mr. MONDELL. I will say that the amount carried in the bill is the amount of the estimate.

Mr. PAGE. The amount carried in the bill is the estimate.

Mr. MONDELL. I think the item which the gentleman's telegram refers to is the next item.

Mr. PAGE. The item to which the gentleman from Ohio calls attention is an increase of $27,500 over the current appropriation and is the amount of the estimate.

Mr. WILLIS. What information has the gentleman about the next item?

Mr. PAGE. That is just the same.

Mr. WILLIS. Then is the telegram based on misinformation?

Mr. PAGE. It has been increased, and the estimate is allowed.

Mr. WILLIS. That increase is satisfactory.

Mr. WILSON of Pennsylvania. If the gentleman will pardon me, I think the telegram of the gentleman from Ohio has reference to the item in the paragraph beginning on line 10, page 112, where the amount appropriated is $100,000, and the estimate was $250,000. That is for the investigation into the mining and treatment of ores and other mineral substances with special reference to safety and waste.

Mr. WILLIS. The gentleman says the estimate was $250,000 on that item.

Mr. PAGE. That is an item in regard to other mining than coal—metalliferous mining. We can take that up when we reach it. Mr. Chairman, I desire to ask unanimous consent to return to page 110, line 14, for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to page 110, line 14, for the purpose of offering an amendment.

Mr. MANN. Let us hear the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 110, line 14, after the sum of "$90,000," insert the following: "to be immediately available."

The CHAIRMAN. Is there objection to returning to page 110, line 14?

There was no objection.

The CHAIRMAN. The question is on the amendment.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COVINGTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 28499. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

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

H. R. 26812. An act to provide for selection by the State of Idaho of phosphate and oil lands; and

H. R. 2839. An act for the relief of William Hommelsberg.

The message also announced that the President of the Senate pro tempore appointed Mr. CLARKE of Arkansas and Mr. BURNHAM members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce and Labor.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, $100,000: *Provided*, That no part thereof may be used for investigation in behalf of any private party, nor shall any part thereof be used for work authorized or required by law to be done by any other branch of the public service.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move to strike out "$100,000," in line 12, page 112, and insert "$250,000."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 112, line 12, strike out the figures "$100,000" and insert in lieu thereof the figures "$250,000."

Mr. WILSON of Pennsylvania. Mr. Chairman, that is the item dealing with the investigations relative to the safety in metalliferous mines. The bureau has been exceptionally successful in its work in dealing with coal mines. From the time that we first began appropriating for the investigation into the cause of mine disasters growing in a large measure out of the work done by the Federal Government, there has been a gradual reduction in fatal accidents in coal mines. In 1907 the fatal accidents in coal mines were 3,197. In 1912 they were 2,375, a very material decrease, notwithstanding the fact that our production of coal had increased. In 1907 there was one life lost for every 144,000 tons of coal mined. In 1912 there was one life lost for every 232,000 tons of coal mined. A great deal yet remains to be done along that line of work, but very little has been done with regard to carrying on investigations for the purpose of promoting safety in metalliferous mines, and this increase in the appropriation is essential in order that that work may be carried on.

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

Mr. WILSON of Pennsylvania. Certainly.

Mr. MANN. Does the gentleman think that a comparison of two years of that sort is of any value? Suppose next year there should be a large loss of life, would the gentleman be in favor of abolishing the Bureau of Mines?

Mr. WILSON of Pennsylvania. Mr. Chairman, I have in my hand a comparison for each of the years from 1907 down to and including 1912, and it shows a continuous decrease during that period of time.

Mr. MANN. When was the Bureau of Mines organized?

Mr. WILSON of Pennsylvania. The Bureau of Mines was not organized until 1909, but we made an appropriation of $150,000 which was for the purpose of investigating the causes of mine disasters in 1907.

Mr. MANN. And I suppose the decrease is due to the fact that we made that appropriation?

Mr. WILSON of Pennsylvania. The decrease is due in a great measure to the spirit of cooperation that has been engendered by the officials of the bureau between the coal-mine owners and the coal miners themselves, and the information that the bureau has been able to bring out, necessary for a knowledge of what is responsible for the various accidents, and the application of that information by mine owners and the mine workers themselves.

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

Mr. WILSON of Pennsylvania. Certainly.

Mr. POWERS. Is it not true that the Federal Government sends mining rescue cars all over the country, visiting the various coal mines, to teach the miners how to prevent mine accidents?

Mr. WILSON of Pennsylvania. It has sent a number of mine rescue cars to various parts of the country. There are nine, I believe, altogether in the bureau. It has sent them to different points throughout the country and has given information to miners that has been discovered by the bureau or that was available otherwise relative to safety in mines.

Mr. POWERS. There is one in my district now.

Mr. WILSON of Pennsylvania. But there have been other means by which the bureau has been able to convey to the mine owner and the mine worker information relative to the best methods of promoting safety.

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

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that I may be permitted to continue for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILSON of Pennsylvania. Mr. Chairman, they have made a number of experiments relative to the causes of explosions. For instance, they have demonstrated conclusively that there are two or three ways in which the chances of explosions from coal dust may be materially reduced, such as the injection of a steam jet into the intake airway, thereby carrying moisture to lay the dust, making it so that it does not rise or ignite when an explosion takes place, thus reducing the chances of accidents. They have discovered that the sprinkling of a very small amount of fine dust, crushed from the shale underlying or overlying the coal, sprinkled in the airways, working places, and traveling ways, reduces the inflammability of coal to such a point that explosions from coal dust can not occur. That information is being conveyed to the mine owners and workers and to some extent being put into practical operation; all this beside the spirit of cooperation that has been engendered. Having done this magnificent work with regard to coal-mining operations, and still going on with that line of work, there ought to be a sufficient amount appropriated to enable the bureau to go on with a similar line of work in metalliferous mines.

The death rate in metalliferous mining at present is greater from accidental causes than in coal mining. That change has come about because of the reduction in death rate by accidents in coal mining. In copper mining the death rate by accident is 5.33 per thousand. In iron mining it is 4.29 per thousand. In gold, silver, lead, and zinc mining it is 3.84 per thousand, and for coal mining it has finally been reduced to the point of 3.17 per thousand. In addition to that the health conditions in metalliferous mining ought to be taken into consideration. One of the most prominent insurance companies made an investigation recently in the State of Montana preparatory to taking risks there, and they discovered that in copper mining the number of deaths among miners by accident was 17.6 per hundred; from tuberculosis and pneumonia, both trade diseases, 43.45 per hundred; and from all other causes, 39.49 per hundred; showing the necessity of investigating the conditions, not merely for the purpose of promoting safety in our metalliferous mines, but for the purpose of promoting the health of those who are engaged in mining; and I trust, Mr. Chairman, that this amendment will prevail.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in 30 minutes.

Mr. MILLER. That is satisfactory to me, if I can have 10 minutes. It is a very important item.

Mr. FOSTER. I think the time ought to be limited to five minutes to a Member.

Mr. MILLER. This is a very important item, and one upon which I think it is not improper to spend a few minutes.

Mr. FOSTER. I have given some attention to it, and I would be willing to cut it down——

Mr. MILLER. I certainly have not encroached upon the time of the House.

Mr. FITZGERALD. Mr. Chairman, I move that all debate upon the paragraph and amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from New York moves that all debate upon the paragraph and amendments thereto be closed in 30 minutes.

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

Mr. MILLER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MILLER. For the purpose of speaking on the paragraph.

The CHAIRMAN. The Chair recognized the gentleman from California [Mr. RAKER]. The Chair will later recognize the gentleman.

Mr. RAKER. Mr. Chairman, the full estimated appropriation, $250,000, is needed for safety and waste investigations in metal and mineral mining. The amount carried in the bill is $100,000, which is an increase of $50,000 over the appropriation of last year. The full estimate of $250,000 is needed for the work of this bureau. The work which has been done and is being done by the Bureau of Mines under the current appropriation of $50,000 has been divided into general investigations concerning safety and waste; the generation of noxious productions in smelting operations; miscellaneous mining investigations, with special reference to waste or loss and health conditions; treating methods in mining, with special reference to safety, including especially tunnels opened by the United States Reclamation Service; safety and waste investigations in mining and treatment of lead and zinc. Dr. Holmes, Director of the Bureau of Mines, stated before the Committee on Appropriations that no investigation had been made relative to the waste of gas in connection with the burning of oil and the manufacture of coke, but that there was a large and enormous waste there, and in speaking upon that subject in connection with the mineral-mining industry he made the following statement (hearings for 1904, p. 710):

> On that general work I would like to say that, as a result of the investigations we have conducted during the present year, we have tried to get a clear idea of what work of a similar kind was actually needed, following along the general lines of policy which I outlined in the beginning and which seemed proper for a governmental agency to undertake, and we found that throughout the metal-mining regions the ventilation of the mines and the condition of air in the mines are far worse than those in the coal mines, so far as the health conditions are concerned. In fact, improvement along that line is one of the greatest needs of our metal-mining industry. The majority of these mines have no means of ventilation at all. There are turned loose into the sluggish air in those mines all of the noxious gases that arise from explosives and other sources. Furthermore, in connection with the kinds of explosives used in metal mining, there is great need for investigation because of the fact that it has a direct bearing upon the health conditions in the mines.

Also, on pages 225 and 226, as follows:

> Mr. HOLMES. I would like, Mr. Chairman, if I may, to make a brief general statement in regard to these increases in appropriations for the Bureau of Mines. It may seem that the bureau is asking for pretty large increases, especially this increase from $50,000 to $250,000 for investigations in connection with the safety and waste problems in the mineral industries other than coal. During the past three years, ever since the bureau was established, I have been urged from several different sources to recommend much larger appropriations even than $250,000 for this work; and I have declined to submit any recommendation for a larger appropriation until that field had been gone into pretty thoroughly and I felt we knew just what ought to be done, how it could be done, and whether or not the results which were anticipated could be accomplished. The information gathered during the past two or three years and the experience obtained during the expenditure of the small appropriation during the current year has led me to realize the need of extending to other branches of the mining industry inquiries and investigations similar to those now under way in relation to coal mining, especially researches with reference to safety and waste problems. I believe it is eminently practicable and proper for the Federal Government now to undertake such work in relation to metal mining and the miscellaneous mineral industries. These examinations already made lead me to believe that the appropriation now asked for work of this kind is not only urgently needed and can be expended effectively for accomplishing the purposes for which Congress created the Bureau of Mines, but that it is all needed for that work, and any serious reduction in the amount of the appropriation will mean not only a decrease in the amount we can accomplish, but a reduction in the effectiveness of the entire work.
>
> If it were simply an investigation of resources I should not feel so urgent about it, as such an investigation might wait; but the problems which it is proposed to investigate relate to a large loss of life, preventable maladies among miners from avoidable conditions, and an extensive and preventable waste of resources of national importance—a loss of life and waste of resources which is already in progress to an extent and on a scale which makes it a national discredit.
>
> The CHAIRMAN. The most important work that was considered in connection with the Bureau of Mines was the prevention of accidents and preservation of life.
>
> Mr. HOLMES. Yes.
>
> The CHAIRMAN. In coal mining particularly, was it not?
>
> Mr. HOLMES. For 10 years before the Bureau of Mines was established an agitation for it had been under way all through the West, and bill after bill during each session of Congress was introduced looking to the establishment of a department or a bureau of mines, with a

view to helping to improve the general mining conditions in the western mining regions. These western people were not thinking of coal mining as mining at all. With them metal mining is the industry; but when the Bureau of Mines was established in 1910 the establishment was accomplished through the cooperation of the coal interests, and most of the speeches and debates pending the passage of the bill dwelt upon the big coal-mine disasters.

Mr. PAGE. They were the most striking at that time?

Mr. HOLMES. They were just at that time, yes; but the death rate is now larger and the health conditions are now worse in the metal mines. The situation which I have described in connection with the metal-mining industries is a serious one. Now that we have in hand the necessary preliminary information, and we know what ought to be and what can be accomplished, it would seem that if the General Government is ever to do anything toward the improvement of conditions in the metal-mining industries the work should be inaugurated now on a scale somewhat commensurate with its urgency and importance.

The current appropriation for the mine-accident work under the Bureau of Mines—$320,000—is not only necessary, but is even inadequate for the proper investigation of the different safety problems relating to coal mining alone. Even under this appropriation there are no funds available for the proper investigation into some of the larger causes of coal-mine fatalities, such as falls of roof, accident from equipment, and so forth; and the appropriation is sufficient to operate the 7 existing mine-rescue cars for only 7 months out of the 12.

The $27,000 added by the House committee will be scarcely more than sufficient for operating the mine-rescue cars during the additional three or four months of the year and for the necessary extension of the coal-dust explosion experiments in the experimental mine. There will still be need for additional funds in order to carry on proper investigations into the other large causes of the loss of life in coal mines, such as falls of roof and the handling of mine equipment. (See hearings, 1914, pp. 704, 705, and 707, upper half.)

No part of this appropriation, therefore, can be utilized for investigations in the metal or miscellaneous mineral mining operations, for the reason that all of it, and more, is needed for further work relative to coal-mining conditions and safety.

We ask you to give your support in this effort to secure this increase of the amount of the appropriation provided from $100,000, as approved by the Appropriations Committee, to $250,000, as recommended by the Secretary of the Interior and approved by the President, for investigations looking to safety in the metalliferous mines of the country and the possible improvement of conditions under which mining operations are carried on.

Already experience has demonstrated that coal-mine accidents can be reduced by an investigation and educational work.

The Federal effort looking to safety in coal-mining operations, begun in 1907, has been contemporaneous with a most marvelous and gratifying change, as evidenced by the following figures:

Year.	Men killed per million tons of coal produced in the United States.	Tons of coal produced in the United States per man killed in mining.
1907	6.93	144,000
1908	6.05	165,000
1909	5.79	173,000
1910	5.66	177,000
1911	5.48	183,000
1912	4.29	233,000

The investigations carried on under the small appropriation made for this work last year demonstrated that the loss of life in precious-metal mining operations is greater per thousand men employed than in the coal mines, and the above results justify us in again asking an appropriation for this work sufficient to cover an intelligent effort looking to the safety of the men engaged in underground work.

Safety and efficiency must go hand in hand in our economic development, and the purpose of the appropriation asked for is that the various questions involved in the economy of mineral production and in the safety of the miners shall thus find solution. The problems involved are more varied, more intricate, and require higher scientific knowledge for their solution than the problems presented by the agricultural industry, the cooperation with which, so generously given by the Federal Government, has been productive of such highly beneficial results.

In relation to this matter Dr. Holmes stated before the Committee on Appropriations:

In 1907, the year before we inaugurated this work, the quantity of coal mined for each death was 144,000 tons. During 1912 the amount of coal mined for each death was 234,000 tons.

The memorandum submitted by Dr. Holmes follows:

Production, number of men employed, and number of men killed in and around the coal mines of the United States in the calendar years 1907 to 1912, inclusive.

Calendar year.	Production.	Number employed.	Number killed.			Production per death.
			Total.	Per 1,000 employed.	Per 1,000,000 short tons of coal mined.	
	Short tons.					*Short tons.*
1907	461,406,000	655,418	3,197	4.88	6.93	144,000
1908	404,933,000	672,794	2,449	3.64	6.05	165,000
1909	460,761,000	666,523	2,668	4.00	5.79	173,000
1910	501,596,000	725,030	2,840	3.92	5.66	177,000
1911	496,221,000	728,348	2,719	3.73	5.48	183,000
1912[1]	550,000,000	750,000	2,350	3.13	4.27	234,000
Total			16,223			

[1] Subject to slight revision.

During the six years included in the above tabular record 16,223 able-bodied men engaged in productive industry lost their lives in coal-mine operations in the United States. The figures indicate also that if the death rate of 1907 had continued through the five years following, this loss of life would have been at least 3,000 more than the figures just mentioned. They also indicate that notwithstanding a large increase in coal production during 1912 over 1911 the death list in the coal mines for 1912 was nearly 400 less than that for 1911.

The decrease in fatalities indicated in this table has been more largely in connection with the decrease in mine explosions, to which subject the investigations of the Bureau of Mines have been mainly devoted since 1908. This fact is brought out in the following statement:

As indicating the need for investigations concerning falls of roof and mine equipment, attention may be called to the following tabular statement, which shows that while during the past three years there has been, in fatal coal-mine accidents from mine explosions (concerning which special investigations have been conducted), a decided reduction both in actual numbers killed and in the percentage of the total yearly loss of life, there has been less reduction in actual numbers, and even an increase in the percentage of fatalities from the two other large causes of fatal coal-mine accidents, i. e., falls of roof and mine equipment:

Percentages of the total loss of life in coal mines from the three chief causes during the past 3 years.

	Percentage of total deaths from falls of roof, etc.	Percentage of total deaths from mine equipment.	Percentage of total deaths from explosions.
1910	46.1	17.2	18.2
1911	48.6	17.3	14.0
1912	48.9	19.0	12.5

While the reduction in accidents and the improvements of health conditions are matters of prime importance, the question of reducing the waste in the mining and utilization of metal and general mineral resources of national importance is worthy of special investigation and consideration by the Government. Again quoting from the statement of Dr. Holmes before the Committee on Appropriations, he makes the following lucid statement upon this matter:

I want to say something more with reference to this general mine-safety problem, and that is in connection with ventilation. We know that the explosives being used in some of the metal mines emit poisonous gases that enter the mine air which the men have to breathe. In addition to that we know that in a large number of these mines, where the drills give off a very fine dust, tuberculosis is the prevailing disease among the miners, and we find that that disease is *directly* attributable to the fine silicious dust which is given off from these rock drills. That is one of the problems that we have not been able to take up, except in a general way, to find out what the situation is. Of course, we can not stop the drilling, because they must drill wherever they mine; but the thing to do is to find some way to prevent the dust, and I believe that is entirely practicable.

The need of investigations looking to greater safety and the improvement of mine conditions in metal and general mineral mining operations is now greater than in coal mining. These facts are clearly brought out from what has been shown from the statements made by Dr. Holmes before the committee. It is a subject of vast importance to the country and one that should be given liberal support by the Government. The situation is one that needs full consideration and investigation by the Bureau of Mines and will bring good results. I trust that the committee will see its way clear to adopt this amendment. I want to call the committee's attention to the fact that in metal mining in the West, many of the men who work there for a short time are subject to these occupational diseases caused by dust from the drills, bad conditions underground, and want

of proper ventilation. Many lives could be saved by proper investigation and methods devised, whereby these present deadly results would be prevented, and new methods can be found to relieve the present deplorable situation.

Quoting again from the hearing, Dr. Holmes states:

I am outlining the work of the Bureau of Mines from this standpoint—i. e., from the standpoint of safety and waste, the general-welfare side of the question.

As to the general mining conditions, there is certainly throughout the metal mining region to-day as great, if not a greater, need of reform than there is in the coal-mining region. We have not, for lack of funds, been able to collect complete statistical data, but we have tried to ascertain the leading causes of fatal accidents in the metal-mining industry; and our investigations show that the death rate per 1,000 men employed is considerably greater in the metal-mining industry than in the coal-mining industry.

More than 4 men out of every 1,000 men employed are killed annually; and last year, as nearly as we can get the records together, there were not less than 27,000 men injured or killed (most of them being injured) in the metal mines alone. In addition to that, so far as I can find out, the number of men whose health was injured in connection with mine operations from breathing poisonous gases or dust, or both, and from other causes has been much larger in the case of metal mines than in coal mines. In the expenditure of the $50,000, while conducting a number of important investigations, we have also endeavored to find out the conditions under which miners labor in the metal mines of the country, and we find the serious need of reforms as indicated. In addition, we have been trying to get together the material for a revision of the mining laws, rules, and regulations relating to mining conditions.

I have compared the record of the United States during the year 1911 in the matter of metal-mine fatalities with that of other countries, with a result which shows that for each 10,000 men employed in metal mines the total deaths were as follows: Great Britain, 16 deaths out of each 10,000 employed; Germany, 14 deaths out of each 10,000 employed; United States, 41 deaths out of each 10,000 employed.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. Certainly; I yield to the distinguished gentleman from Wyoming.

Mr. MONDELL. What is the State of California doing to remedy that condition or to prevent its continuance?

Mr. RAKER. She is doing what is done in other States, and more. The State of California is doing all in her power to relieve the condition of the miners in that State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER. Mr. Chairman, the gentlemen who have so far spoken upon this amendment have confined their remarks to the conditions of safety in the mining industry. If there were no other considerations that might be brought to mind in connection with this paragraph, those are sufficient and ample to justify an increase of the appropriation, but, Mr. Chairman, there is another branch of the work carried on by the Bureau of Mines under the provisions of this paragraph of equal importance, if anything can be of equal importance to safety in mining.

Gentlemen will observe that the provisions of this paragraph enable the Bureau of Mines to carry on investigations into the methods of mining and into the treatment of ores. We have lately received with much pleasure the last report of the Secretary of Agriculture, in which he shows to the American people that during the period of years he has occupied the position of Secretary of Agriculture the agricultural products of the United States have increased until they now reach in round numbers $9,000,000,000, a magnificent total. It has largely been the result of scientific agriculture, the adaptation of the crop to the soil and to the climate. If we should consider the possible duplications in this total, arising from counting separately such items as cattle and hay and corn and live stock, items that should really be merged in many instances, the grand total would be reduced to perhaps six or seven billions, still a magnificent total. Every dollar expended through the Agricultural Department has returned manyfold increase to the country. We are spending this year in that department some twenty-five millions—a large sum, but a splendid investment of every dollar. The expenditures through this department in the last 16 years have multiplied tenfold, because we have found the expenditure wise and exceedingly profitable.

That which I desire to call to the attention of the membership of the House at this time is the necessity in the mining world for that same scientific treatment of its problems and its features that has been so valuable in the agricultural world. In round numbers the mining industry of the United States last year produced $2,000,000,000 worth of wealth. This is net wealth, Mr. Chairman—absolutely net. The mining industry is to-day the basis of a large part of the art, the science, and the industry of the United States. The whole world leans upon the product of its mines.

The average mind perhaps believes that wherever gold is found it is wealth, wherever iron is found it is wealth, wherever copper is found it is wealth, but those conversant with mining and mining conditions know such is not true in the least. That gold, that iron, that copper is ever mixed with other minerals and other substances, and becomes wealth only when it can be separated and shipped so as to be merchantable. By new mining processes developed or devised, by new methods of treating ores the valueless mass to-day will become the great wealth of to-morrow. The science of metallurgy is the handmaiden of mining, just as the science of engineering is indispensable to it. The Bureau of Mines should have sufficient funds to bring to the mining world the aid of science in both the mining and the treatment of ores. Vast wealth can thus be produced, just as the application of the science of botany, of the science of chemistry, and the science of meteorology has so stimulated and advanced the cause of agriculture. It is the intensified application of brains to industry, and therein always lies the great profit.

I want to call the attention of the committee, if I have time, to two or three items of paramount importance in respect to which I think the Bureau of Mines could well afford, in the interests of the wealth and welfare of the country, to spend some of the additional $150,000 here asked for. And the first I shall mention is the newly discovered element called radium. This is a subject new to all except a few of the very eminent scientists of the world. It is the latest element to be discovered, and by some considered one of the most important of all. Certain it is that its properties are likely to change many of the theories of matter hitherto accepted, and perhaps furnish new methods of treating disease. The possibilities of this element now entertain the close study and attention of the most eminent scientists of Europe. There are found in this world just two places producing the ore from which radium is reduced. One place is in Colorado and the other is in Austria. No man in America knows how to reduce the ore and produce radium. No laboratory in this country has ever been devised to carry on the work. No man in America has yet undertaken it. The undertaking is too great for a private concern or individual. There were shipped from the State of Colorado last year 600 tons of pitchblende, or carnolite, which is the ore from which radium is made. Where was it shipped? It was shipped to Germany. The total production of radium in the world last year was 5 grams, and the 600 tons of ore shipped from Colorado were sufficient, in the minds of well-informed scientists, to produce the entire 5 grams. Thus America probably gave to Europe all the radium produced last year, and not a particle did we produce for ourselves, all because we knew not how to do it. We are to-day letting that wealth leave the United States to enrich other countries. It is not available to the American people. It is not available to the scientists of America. It is a contribution that is sent to the Old World, because, ignorant heathens that we are, we know not how to use the wealth nature has given us.

Now, possibly 5 grams will seem like a small quantum, but 1 ounce of radium is worth $2,500,000.

This is a very respectable sum in itself, and yet the greatest value of this mineral is not its intrinsic or commercial value, as its greatest value lies in the aid it gives to science and scientific investigation. The properties of radium are being utilized in the treatment of disease and in the processes of scientific experimentation. It is one of the forces of nature man is learning to use, vastly to his advantage, and yet its use and its worth and its value are not for Americans, though the mineral itself comes from America.

The application of metallurgy to the treatment of ores is not new, the science is of some antiquity, and yet it is now in a rapidly developing stage. Metallurgy teaches how to treat ores so as to make them useful to and usable by man. If the process is reasonably cheap, wealth is produced. By discovering new metallurgical processes, ascertaining new methods of treating and reducing ores many ores hitherto valueless become exceedingly valuable. Thus many ores are mixed with sulphides and many ores, like copper, are found as sulphides. Admixed with these sulphides also may be the precious metals of gold and silver. Vast areas of such ores are now known which are valueless until some metallurgical process is discovered for treating them.

We are told, Mr. Chairman, that we are living in an iron age. Doubtless we are. Iron is king. Without iron the conveniences

of life would fail and present industrial processes would disappear. Iron ore is found quite generally distributed over the world, and yet but a very small part of the known deposits of ore are to-day merchantable and therefore of value. Metallurgy discovered how to free iron ore of two of its deleterious ingredients, sulphur and phosphorus, when these elements exist in quantities not too great. The greatest iron mines of the world are along the north shore of Lake Superior in the State of Minnesota. Of the known deposits there found only a relatively small part is actually of value. If a process can be found for separating titanium from iron ore there will come to the use and increase the wealth of man areas of iron in Minnesota ten times greater than any now under operation. The resulting wealth would run into the billions. What is true here is also true elsewhere. This is work for the Bureau of Mines. During the past year I understand this bureau has conducted experiments to discover a method to reduce titaniferous ores. Progress has been made. The work should be continued with more ample resources, that they make a more complete effort. Every dollar invested in this work will return a hundred and a thousand fold. We have beheld the marvelous results attending the application of science to agriculture. So excellent have been those results and so favorable has that work impressed Congress that during a recent and relatively brief period Congress increased the appropriation for the Department of Agriculture from two and a half million to twenty-five million dollars. The Bureau of Mines, destined to aid mining as the Department of Agriculture has aided agriculture, has been in existence some three years, and the appropriation here is not three-quarters of a million.

If we respond to the call of humanity and extend every aid to the protection and preservation of human life and limb in this great industry, if we respond to the call of sound business and invest to produce large returns of material wealth, we will grant the increase asked for.

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

Mr. MILLER. I ask, Mr. Chairman, that I may have five minutes more.

Mr. FOSTER. I object, Mr. Chairman.

Mr. MILLER. I hope the gentleman will not object.

Mr. FOSTER. Let me say to the gentleman from Minnesota that my time is all gone. I can not get a minute myself.

Mr. MILLER. There are 20 minutes left. I will say to the gentleman, if it is desired to hasten with the bill, that result may be obtained——

Mr. FOSTER. Make your point of order. I object.

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

[Mr. TAYLOR of Colorado addressed the committee. See Appendix.]

Mr. AUSTIN. Mr. Chairman, I think this amendment ought to receive the approval of the House. It is in line with the recommendation and estimate submitted to the Committee on Appropriations by Prof. Holmes, the chief of this new bureau. He is a very able and conscientious public servant, and I am sure, knowing him as well as I do, that he is not given to extravagance, and in submitting this estimate and urging this additional appropriation he has no motive except the promotion of the public interest and the public walfare.

Congress was certainly derelict in not establishing a Bureau of Mines many, many years ago. When we consider the vast amount of money invested in mining operations and the great army of industrial workers who are engaged in this dangerous and hazardous work, and the great and incalculable benefit that they render to the country, we certainly have not yet gone as far as we should in making appropriations that this worthy cause deserves.

The amount of money that Congress has already appropriated for the maintenance of this bureau has been used largely in connection with the coal-mining operations of the country, and if that industry deserved—and it did deserve—favorable action of Congress, no good or valid reason can be submitted here why the same treatment should not be extended to the other lines of the mining industry in which millions of capital are invested and countless thousands of men are employed, whose lives and health are daily involved in mining operations.

The American Congress has never received, I venture the assertion, a greater return for the money actually voted by Congress than that received for the equipment and work prosecuted by the Bureau of Mines under the direction of Prof. Holmes. I trust that we at this time shall recognize the needs of this service and the justice and fairness of this demand of an efficient bureau chief, so as to give him the means with which to make this bureau what we certainly intended it should be, and what it certainly deserves to be.

I shall vote for this amendment, and I hope my colleagues on this side will do the same.

Mr. RUCKER of Colorado. Mr. Chairman, there is no objection whatever to an appropriation when it is applied to discovering new methods of protecting life and health in the coal mines. This amendment and this appropriation is asked for an entirely new purpose. We have scarcely had time since the first appropriation was made to know what it has availed us. Yet we know that fatalities in mining of metal ores are much greater than in any other and ought to receive commensurate recognition.

We have not been in the harness long enough to determine what such an appropriation would accomplish, but if you will take what has been done under the appropriation for the benefit of the coal miners, you will discover that the death rate has decreased about one-half in the last five years, since the bureau first went into the business, and that the efficiency of the laborers engaged in coal mining has increased in the matter of tonnage about one-half during the same period.

Every one knows that in metalliferous mining the men employed go down into the bowels of the earth some times thousands of feet. Necessarily they are subjected to more inconveniences and more dangers than the coal miners are subjected to, barring the mere question of explosions from coal dust in coal mining.

I ask to include as a part of my remarks a letter received this morning from the secretary of the Bureau of Mines pertaining to this subject.

The letter is as follows:

AMERICAN MINING CONGRESS,
Washington, D. C., February 19, 1913.

Hon. A. W. RUCKER,
Washington, D. C.

DEAR SIR: May we ask your support in an effort to secure an increase of the amount of the appropriation provided in the sundry civil appropriation bill from $100,000, as approved by the Appropriations Committee, to $250,000, as recommended by the Secretary of the Interior and approved by the President, for investigations looking to safety in the metalliferous mines of the country and the possible improvement of conditions under which mining operations are carried on?

The Federal effort looking to safety in coal-mining operations, begun in 1907, has been contemporaneous with a most marvelous and gratifying change, as evidenced by the following figures:

Year.	Men killed per million tons of coal produced in the United States.	Tons of coal produced in the United States per man killed in mining.
1907	6.93	144,000
1908	6.05	165,000
1909	5.79	173,000
1910	5.66	177,000
1911	5.48	183,000
1912	4.29	233,000

The investigations carried on under the small appropriation made for this work last year demonstrated that the loss of life in precious-metal mining operations is greater per thousand men employed than in the coal mines, and the above results justify us in again asking your further cooperation in the effort to secure an appropriation for this work sufficient to cover an intelligent effort looking to the safety of the men engaged in underground work.

Safety and efficiency must go hand in hand in our economic development, and the purpose of the appropriation asked for is that the various questions involved in the economy of mineral production and in the safety of the miners shall thus find solution. The problems involved are more varied, more intricate, and require higher scientific knowledge for their solution than the problems presented by the agricultural industry, the cooperation with which, so generously given by the Federal Government, has been productive of such highly beneficial results.

We earnestly urge you to give support to the movement looking to an increase, by amendment on the floor of the House, of this appropriation to the $250,000 required by the Bureau of Mines for properly carrying on this work.

Very respectfully, yours,

THE AMERICAN MINING CONGRESS.
J. F. CALLBREATH, *Secretary.*

Mr. PRAY. Mr. Chairman, I desire to speak briefly in support of this amendment. It seems to me that it is very important that we should at this time increase the appropriaion in accordance with the esimates submitted by the Secretary of the Interior, for the reason that heretofore most of our efforts in the Bureau of Mines have been directed toward the improvement of conditions in the coal-mining sections of the country.

The total number of men engaged in the mining industry in the United States is about 2,000,000, of whom 750,000 are engaged in coal mining and 1,000,00 in metalliferous mining. The statistics at the present time show that there are nearly as many lives lost in the metal-mining regions of the country and in metalliferous mining as in coal mining; but until last year

no appropriations were made looking to the benefit of the metalliferous miners or the improvement of conditions as to safety in that class of work. Therefore I say that I sincerely believe it behooves us at this time to increase this appropriation so that it will be in accordance with the estimates prepared by the Secretary of the Interior.

The work of the Government looking to the improvement of coal-mining conditions was inaugurated in a small way in 1908–9, and has been continued to the present time.

Nothing was done by the Government in behalf of the improvement of conditions in metal mining and mineral industries other than coal until for the current year (1913) an appropriation of $50,000 was made. The bill as it passed the House last year carried no appropriation for this work. The Senate inserted $100,000. The House committee forced the acceptance of a compromise on $50,000. Even the amount recommended for this year by the department and by the President—$250,000—is small as compared to the real needs of the situation. It ought to be granted by the House in full.

The great majority of the mines in the United States are small mines, working 10 men or less each. In these small mines the hazards are even greater than in the larger ones. In the larger mines, however, there are many new risks, and the conditions are more complicated and difficult to handle.

In regard to the urgent need of extending investigations to the metal-mining industries of the Western States, the director makes the following statement in his second annual report, for the fiscal year ended June 30, 1912:

> Inasmuch as the appropriations for the Bureau of Mines during the past year were not sufficient to permit any extension of the work beyond the investigations relating to the mining and utilization of coal it was not possible to extend these investigations to the metal-mining industries. Meanwhile, however, the ratio of accidents to the number of men employed has been larger in many metal mines of the country than it has been in many of the coal mines, and the average is nearly the same in the two. There is therefore serious need for the extension of the mine-accident work into the metal-mining field.
>
> Moreover, the loss of life in connection with metallurgical operations in different parts of the country deserves special consideration. The serious need of inquiries and investigations looking to the improvement of conditions at metallurgical plants has become more and more apparent as preliminary inquiries have been made.

The Bureau of Mines was established May 16, 1910. This was the first substantial recognition the second greatest industry in the United States had ever received from the Federal Government. It seems almost incredible that this basic industry, with an annual output of over $2,000,000,000, with 40 States interested in mining operations, should have waited so long before receiving aid from the Government, and especially so when we take into account the further fact that, from 1889 to 1909, 30,000 miners lost their lives as a result of their hazardous employment.

The Agricultural Department had been established for many years, also the Department of Commerce and Labor, the Bureau of Corporations, and many other bureaus of the Government, but the prospect of establishing a Bureau of Mines did not become promising until the hearings of the Committee on Mines and Mining in the Sixtieth Congress, instituted shortly after the four coal-mine explosions in December, 1907, in which 700 lives were sacrificed. This series of disasters, with appalling loss of life, aroused the people of the country to a realization of the frightful consequences that had followed in the wake of coal-mining operations in the several States for many years and which, in number of fatalities, was greatly in excess of those incident to mining in other countries where the conditions were not so favorable as in the United States.

It has been evident for some time to members of the Committee on Mines and Mining that the Bureau of Mines is greatly in need of further assistance from Congress. Lack of funds has resulted in a curtailment of important investigations. The metal-mining industries have received practically no consideration.

Mine-rescue and first-aid work is of great importance and should be carried forward in all departments of mining because the efficient maintenance of this branch of the service is more desirable and necessary than any other, but there should be no lack of activity in other branches. The income of the bureau should be increased so that the demands for all classes of work may be properly met. Had it not been for the lateness of the season when the greater activities were begun the mine rescue cars and stations could not have been maintained properly during the first year of their establishment. Instead of an appropriation of $100,000 I am convinced from reports and estimates submitted that for work relating to safety in the metal-mining industries the amount ought to be increased to $250,000. The saving of human life and prevention of accidents in mining operations is, in my judgment, so important and necessary that there can be no question as to the wisdom of appropriating this amount to be economically expended under the able administration of Dr. Holmes. No man in the Government service is more deserving of our unstinted praise for devotion to duty than the present able director of this great bureau. There are to-day in operation under the bureau seven mine rescue cars and six mine rescue and experiment stations. In order that the field of mining operations could be more effectively carried on there should be at least two more mine rescue cars in operation. The director has made it evident to us that the cars and stations have been operated on an economical basis. His reports will, I believe, show that the work has been conducted with the strictest economy consistent with the high degree of efficiency demanded by the public.

The records show that 750,000 men are employed in and about the coal mines of the country and more than 1,000,000 in other mineral industries. This is an important fact in connection with the proposed amendment. The greater part of the work of the bureau in the past has related chiefly to coal mining, but there is no question that the time has come when the metalliferous mines should be given attention, and if this amendment is adopted, as it should be, they will receive great benefit from the educational and experimental work carried on by the bureau. When the bureau was first proposed in the Sixtieth Congress, objections were heard in some quarters on the ground that the creation of such a bureau would mean Federal control of mining operations. But no complaints of that kind are to be heard to-day. It did not take very long to convince even the most skeptical that the work of the bureau would be largely educational in character, like the Agricultural Department.

The expectation often expressed by those familiar with the purposes of the bureau is that mine-rescue and first-aid work will result in the training and equipment of bodies of miners in all sections of the country ready for any emergency. It is conceded by all who have followed the progress of events in this respect that the information imparted by the experts in the bureau is of inestimable benefit to miners and operators alike, not only in rescue work, but in the matter of prevention of accidents and improvement of mining conditions generally.

Mining companies and operators throughout the country have signified a desire to cooperate with the bureau in an effort to provide every possible safeguard for the protection of their men. I know of instances in my own State where operators have purchased the latest equipment and devices known, and have welcomed the experts from the bureau to their mines and have afforded them every facility to carry on their educational and demonstrational work. A spirit of good will and hearty cooperation has been manifested in all departments of mining. The miners and operators have confidence in the men connected with this branch of the Government service. Several times since the creation of this bureau and the inauguration of mine-rescue work have the miners of the country been furnished with evidence in great mine disasters of the skill and heroism of the crews that have been sent out in charge of the rescue cars and from the rescue stations. Some of these men have been killed in an effort to rescue entombed miners and others have been crippled for life. At the beginning of this session we passed a bill, which, I am glad to say, has since become a law, providing compensation for injured employees engaged in these hazardous undertakings. The compensation is, of course, wholly inadequate; no such relief is ever adequate; but it is, at any rate, a slight recognition of their services and will provide some relief, and to that extent it is a step in the right direction.

The amendment now under consideration ought to be adopted by an overwhelming vote.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. Investigation of metallurgical mining was authorized last year, and Congress appropriated $50,000 to enable the bureau to commence the work. In this bill the committee recommends $100,000, or an increase of 100 per cent.

It is a notorious fact that it is a waste of money to expand unusually the functions or work of any service of the Government unless time be given for it to expand properly.

This bureau has been treated more liberally by the Committee on Appropriations in this bill and in the current law than any other bureau in the public service. The increases have averaged each year about 20 per cent over the appropriations for the preceding year. It seems to me the committee has done all that could reasonably be expected.

Congress started the work of protecting those engaged in the coal-mining industry and furnished the rescue cars, the purpose, as stated by the Director of the Bureau of Mines, being to go from place to place and train the miners, to enable the

employers to obtain the equipment, and then have the service carried on by the States and private individuals.

The State of Illinois has taken up this work. It maintains its own equipment, its own cars, and its own mine-rescue stations, and it seems to me many of these gentlemen from other States should take the necessary steps in order that their States shall do this work and not place the burden on the Federal Government.

Some discretion must be exercised in recommending these appropriations. For 1911, exclusive of the cost of removing this bureau from under the Geological Survey and the rent of quarters, $475,000 was appropriated; for 1912, $475,000 was appropriated. For the current year, on the recommendation of the Committee on Appropriations, the sum was enlarged to $583,100, an increase of $107,000 over the appropriation for 1912; and in the present bill the amounts aggregate $662,000, or an increase of $78,900 over current law.

It seems to me that the bureau has been adequately provided for in the bill, and this increased amount can not be justified.

Mr. RUCKER of Colorado. The Secretary of the Interior approved of this appropriation, did he not?

Mr. FITZGERALD. An estimate was submitted for the amount asked for here, but the estimates at this session aggregate $25,000,000 in excess of the amount carried in the bill. If the committee were to accept the recommendations of all the departments as to the various sums estimated as being desirable or necessary for the service under their departments, it would be impossible to supply the money required. The committee has treated this bureau liberally. It has increased the money available for this work 100 per cent, and it seems to me that it is going rapidly enough into the prosecution of this work, which is important and must be developed and extended gradually. I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 42, noes 43.

Mr. AUSTIN. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. WILSON of Pennsylvania and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were—ayes 47, noes 55.

So the amendment was rejected.

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

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

There was no objection.

The Clerk read as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000; so much of which sum as may be necessary for the purchase of supplies shall be immediately available: *Provided*, That no person employed hereunder as special agent or inspector, or to perform any special or unusual duty in connection herewith, shall receive as compensation exceeding $200 per month, in addition to actual traveling expenses and per diem not exceeding $4 in lieu of subsistence, when absent on duty from his designated and actual post of duty: *Provided*, That of the sum hereby appropriated not exceeding $7,000 may be expended for personal services in the District of Columbia.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, by striking out after the word "employees," in line 3, page 114, to and including "$200,000," in line 5, page 114, and insert in lieu thereof the following: "And to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other miscellaneous expenses which are not included under the above special heads, $270,000."

Mr. HUMPHREY of Washington. Mr. Chairman, I offer this amendment at the request of the Bureau of Education. I was very glad to present it when the matter was called to my attention. I have no more interest in the people of Alaska than any other Member of this House should have, except that I am perhaps a little more familiar with the conditions that exist there. On my visits to Alaska I have seen what were populous villages a few years ago entirely wiped out, the inhabitants exterminated almost entirely by diseases that had been contracted from the whites. These diseases are tuberculosis, syphilis, and trachoma, principally. There are no well-equipped hospitals in Alaska, and the purpose of this amendment is to appropriate $70,000 for the establishment of hospitals. The physicians report that under the modern treatment by the use of what is known as "6 0 6" syphilis yields readily and the results have been very satisfactory; but this treatment can not be given without a hospital. They have no hospital facilities in Alaska suitable for this purpose.

From personal observation, as well as from reports from the physicians in Alaska, it is evident that the natives of that district will be exterminated within a few years, unless they receive medical relief. In this particular bill, within a few pages—I think on the next page from where this item occurs—we have appropriated some $15,000 to prevent the extermination and to protect the game of Alaska. I am in favor of that. We appropriate some $3,000 to feed the buffalo herd, and the country has been much exercised over the likely extermination of the buffalo. We have appropriated millions of dollars to protect the seal herd in Alaska from extermination, and it does seem to me that it is worth at least $70,000 to this Government to prevent the extermination of the natives of Alaska. I approve all of the appropriations to which I have referred, but it does seem to me that it is little short of a national disgrace that we refuse to appropriate a dollar to establish hospitals in that Territory, and I am appealing to the membership of this House to correct this situation, and I trust that the chairman of the committee will not oppose this amendment.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, will the gentleman from Washington yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. HUMPHREYS of Mississippi. Where did the gentleman get his estimate of $70,000?

Mr. HUMPHREY of Washington. I get that estimate from the Bureau of Education.

Mr. HUMPHREYS of Mississippi. How much of that is intended for the erection of hospitals?

Mr. STERLING. Forty thousand dollars. I get that from the hearings. There are two hospitals at $20,000 each.

Mr. HUMPHREY of Washington. And the rest of it is to be expended in the training and education of nurses and such other matters as are incidental to caring for the afflicted. I trust that this committee will favor this amendment, and I again express the hope that the chairman of the committee will not oppose it. I am making the appeal entirely upon the ground of humanity.

The following letter is from the Commissioner of Education:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, February 19, 1913.

Hon. WILLIAM E. HUMPHREY,
House of Representatives, Washington, D. C.

DEAR SIR: Knowing your interest in all matters relating to Alaska, and your conviction of the need of appropriation for the medical relief of the natives of Alaska, I venture to request your aid in offering the following as an amendment to the present sundry civil bill:

"To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $70,000."

This item was included in the Book of Estimates for the fiscal year 1914, but is not included in the sundry civil bill as reported by the House Committee on Appropriations.

A similar amendment to the sundry civil bill was adopted by the Senate last year, but was lost in conference committee.

Your assistance in this matter will be greatly appreciated by this bureau.

Very respectfully,

P. P. CLAXTON,
Commissioner.

Report of health conditions among the natives of Alaska.

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION, ALASKA DIVISION,
Washington, January 22, 1913.

SIR: I have the honor to submit the following report and recommendations relating to the natives of Alaska:

My detail in the Territory has enabled me to inspect the settlements of the Indians on the southeastern coast and upper Yukon River; of the Aleuts along the southwestern coast and in the vicinity of Cook Inlet; and of the Eskimos on the lower Yukon and on the coast of Bering Sea.

In my inspection I endeavored to examine as many natives as possible, and in these examinations special effort was made to determine the number suffering with tuberculosis, trachoma, and venereal disease. In addition, I made a personal study of the sanitary conditions in the villages, and interviewed physicians and other persons who possessed any knowledge of the conditions that I was interested in.

DISEASES.

Sanitary conditions and the prevalence of disease vary somewhat in different sections of Alaska; syphilis is most prevalent in the southwest, eye diseases in the southeast, while pulmonary tuberculosis I believe to be most common among the Eskimos.

I found the following conditions and diseases present in the native population: Trachoma, keratitis, cataracts, blepharitis, conjunctivitis, corneal opacities, blindness, heart disease, stomach troubles, adenoids,

tonsillitis, hysteria, paralysis, locomotor ataxia, pneumonia, pleurisy, tuberculosis, scabies, impetigo, syphilis, scrofula, rickets, rheumatism, epilepsy, ptomaine poisoning, and gonorrhea. Erysipelas, smallpox, measles, and infantile paralysis have occurred in epidemics.

EYE DISEASES.

Eye diseases are most common in the southeast. About 23 per cent of the natives in this section show evidence of eye trouble, while the Eskimos, the least afflicted, only 6 per cent.

Trachoma is a chronic disease of the eyelids, very contagious, and if neglected causes much suffering and may result in blindness. This disease is most common in the southwest (13 per cent). Trachoma is classified as a dangerous contagious disease by the United States Public Health Service, and immigrants having this trouble are not permitted to enter the United States.

I believe that 80 per cent of the blindness and partial loss of vision among the Alaska natives could have been prevented if these cases had received proper treatment in the early stage of the disease.

All cases of trachoma should be removed to hospitals for treatment, for while at large they are a menace to the community. The eye being a delicate organ, all treatment of eyes should be performed only by physicians and experienced trained nurses, as much harm may result from interference by inexperienced persons.

SYPHILIS.

It is rather difficult to determine accurately the number of natives having syphilis, for the symptoms of this disease are not always manifested externally, even when present within the system. A large percentage of blindness and corneal opacities are due to the inherited type of this disease.

In my opinion the only practical method for treating syphilis in the natives is in hospitals, by the intravenous injection of Salvarsan (606); this treatment has been tried and has given wonderful results. Unfortunately, in southwestern Alaska, where this disease is most common, this treatment can not be administered, because no hospitals are available.

TUBERCULOSIS.

Tuberculosis is the principal disease, and if not eradicated in the near future will exterminate the native population of Alaska in the course of 60 to 70 years. All forms of tuberculosis (pulmonary, osscous, glandular) are present. The percentages of tuberculosis and the type of disease vary in different parts of the Territory; the pulmonary form is most common among the Eskimos, while tuberculosis of bones is most prevalent along the southern coast. I have seen a number of cases of spinal tuberculosis followed by paralysis, which condition could have been prevented by proper and timely treatment.

I am of the opinion that 15 per cent of the native population is infected with tuberculosis, including all forms and both the active and latent type, while in 7 per cent it is present in the active stages.

The home conditions are responsible for this infection, for in the crowded, unventilated rooms all eat from the same dish, drink from the same teapot spout, use the same towel, and expectorate on the same floor. It is there that the principal danger of contagion exists, and it is there that tuberculosis, trachoma, and syphilis are most frequently contracted.

VITAL STATISTICS.

According to the United States census of 1900 the native population of Alaska was 29,536; in 1910 it was only 25,331, a decrease of 4,205, or 14.5 per cent.

Dr. M. H. Foster, in a report to the commissioner of education, dated August 11, 1911, states that at Sitka, where presumably accurate records of births and deaths have been kept by the churches, for a period of 5 years and 7 months the annual birth rate has been 72.3 per 1,000 and the annual death rate 85.4 per 1,000, showing a decrease in population of 13 per 1,000. During the year 1912 the birth rate was 24 and the death rate 29.3 per 1,000, a decrease of only 5.3 per 1,000.

This improvement in the Sitka village, which is an example of the improvement in other sections of Alaska, I attribute chiefly to the influence and efforts of physicians, nurses, teachers, and hospitals now under the Bureau of Education. It demonstrates the fact that the outlook for the general improvement of the native is encouraging and the task feasible. Give the native a white man's chance and I am positive that he will respond equally as well.

RECOMMENDATIONS.

Medical relief for the native is necessary and urgent. The tubercular, syphilitic, and trachomatous should be removed to properly equipped hospitals for treatment. Trained nurses should be employed for field work; a nurse should remain in a village for a sufficient period to treat and cure the minor ailments, discharging ears, infected sores, and inflamed eyes. A portion of her time should be devoted to education—teaching mothers the proper care and feeding of infants, preparation of food, cleanliness in the homes, the necessity of ventilation, the proper collection and disposal of tubercular sputum, etc. This work is just as important and necessary as that performed in hospitals.

PRESENT MEDICAL SERVICE.

The present medical service in Alaska is entirely inadequate to the demand. At present there is no appropriation available for the erection of hospitals, although these institutions are necessary for the proper treatment of the cases. The physicians who are now employed are working at a disadvantage in buildings which are unsuited for the treatment of sick; but even with this equipment good results are being accomplished. The present medical work should therefore be extended and placed upon a firm and permanent basis.

HOSPITALS.

The solution of the medical problem in Alaska is, therefore, the establishment of well-equipped hospitals, the employment of physicians and nurses, the isolation of the infected, and the education of the native in hygiene and sanitation.

The area of the Territory of Alaska is one-fifth of that of the United States, and transportation facilities are inadequate and expensive; the erection of one central hospital is therefore impracticable. I recommend therefore that a chain of small hospitals be established along the coast and on the Yukon River at points most convenient to the greatest number of natives. The sick can then be sent to the nearest hospital at little expense. In my estimate I have indicated the points which, to my mind, would serve the greatest number of people at the least expense.

As a part of these hospitals, the erection of fair living quarters for the physicians and nurses, with as many of the comforts and conveniences as possible, is as essential as the accommodations for patients. Many of these places are isolated, the treatment of the native is not always pleasant, and the persons engaged in this work should receive encouragement and consideration. There is no inducement for competent and reliable persons to enter this service if they are to be underpaid, or if they are to be without comfortable living quarters and compelled to work without the necessary appliances, drugs, and assistants.

Such hospitals may be utilized also for training native girls in nursing. As an experiment, I consider it worth the trial to detail suitable girls to these institutions for this purpose.

EXPENSES.

The estimate of the appropriation required for the erection, equipment, and maintenance of these hospitals, for salaries of physicians, nurses, and attendants, traveling expenses, drugs, and supplies for the first year is $274,600; the cost of maintaining this service in the future, after the buildings have been provided, would be approximately $160,000.

It is very important to meet this medical problem in Alaska immediately, earnestly, and on a permanent basis, while the percentage of contagion and cost of the work are comparatively low and within control; otherwise the situation may become more serious and even equal that of the Indians of the State of Oklahoma, of whom 50 per cent have recently been found to have trachoma.

An appropriation of at least $125,000 is required in order to begin this work with an efficient organization. With this amount the hospitals which are now operated may be improved and continued, two new hospitals may be erected at places where most required, and the entire field may be supplied with physicians, nurses, and drugs.

CONCLUSION.

The native of Alaska, like the Indian of the States, is being gradually deprived of his natural means of support; each succeeding year the old native finds it more difficult to provide for himself. The Government has recognized this fact, and by providing schools and establishing reindeer herds is endeavoring to assist the coming generation to cope with the new situation.

With the advent of the white man into the Territory the native has contracted his diseases, with the result that tuberculosis and venereal and eye diseases are degenerating and depopulating the race. "Health is better than wealth" applies to the native as it does to the whites. Of what value are schools if the pupils they educate may not live to benefit by the education?

It is bad economy for the Government to maintain schools without hospitals. The native of Alaska is as much in need of medical treatment as he is of education; these are inseparable, and both are essential factors to his welfare. Cure him of his ills, teach him to live properly and under sanitary conditions, and he will profit by the education received in schools, become a worthy citizen, and continue to be self-supporting.

In conclusion I desire to express my thanks and appreciation of the hearty cooperation and assistance given to me by the officials of the Bureau of Education and the teachers of the Alaska school service.

Respectfully,

EMIL KRULISH.

Passed Assistant Surgeon, United States Public Health Service.

THE COMMISSIONER OF EDUCATION.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I am not fully advised about the amount that is needed for hospitals. They have some hospitals in Alaska.

Mr. HUMPHREY of Washington. They are rented hospitals, what they call temporary structures, and they are not permitted to repair them. There are four of those.

Mr. HUMPHREYS of Mississippi. Under the advice of the governor of Alaska, the Committee on the Territories in the Senate and in the House have passed a bill which will provide about from $17,000 to $20,000 a year for the care of persons in Alaska who are indigent and incapacitated from nonage, old age, sickness, or accident, and provision is made for the administration of that fund by the United States marshal's office instead of through the governor's office, which has proven to be a very cumbersome and inefficient and ineffective method of administration. This fund is to be 10 per cent of the Alaska fund, which is $200,000, and some years $170,000, so that it will be from $17,000 to $20,000 a year. That, according to the best information we have been able to get, is all that is needed for the relief of persons in Alaska who are indigent and incapacitated not only by sickness, but through old age, nonage, or accident. For that reason I asked the gentleman where he got his figures, because this bill is approved by the Delegate from Alaska and the governor of Alaska and contemplates an expenditure of only $17,000. That bill has passed the Senate and it came to the House and was amended and is now in conference, and I feel quite sure that it will become a law in a few days.

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

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. WILLIS. Mr. Chairman, I am quite familiar with the legislation to which the chairman of the Committee on the Territories referred, but does he think that the provisions of that bill are sufficient to reach the cases that are contemplated in the amendment offered by the gentleman from Washington? Under that bill could they go ahead and build hospitals? I do not recall any such provision in the legislation at all. It does not seem to me that there is any conflict between that legislation and what is proposed by the gentleman from Washington.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, the gentleman from Washington advises me that $40,000 of this is intended to be used for the construction of two hospitals. I have no information upon that subject. There is no information presented to our committee that these hospitals are needed. So I am not advised, and therefore can not answer that question; but the $30,000, however, is asked for the other purpose of sus-

taining and giving relief and maintenance to those who are sick. Under the bill, which is entirely satisfactory to the Delegate from Alaska and which is recommended by the governor, $17,000 is considered sufficient. So that even if $40,000 was needed—and upon that I express no opinion, because I have no information—only $17,000, or $20,000 at the outside, would be needed, and they have that in this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes additional in order that I may ask him some questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. WILLIS. I understood the gentleman to say there was no information before our Committee on the Territories that a hospital was desirable.

Mr. HUMPHREYS of Mississippi. Yes; I have no information at all.

Mr. WILLIS. Has the gentleman forgotten the testimony that was given before our committee by a number of gentlemen, and particularly by Bishop Peter T. Rowe, who spoke at great length on this subject and filed voluminous documents before the committee urging that precise thing, namely, the erection of a hospital?

Mr. HUMPHREYS of Mississippi. I am not informed on that; but this amendment contemplates the expenditure of $40,000. Now, the gentleman from Washington asked for $30,000 more, whereas the governor and Delegate advised the committee that this bill (S. 267) carries a sufficient amount, so I submit to the gentleman all the——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. HUMPHREY of Washington. Last year we spent $32,000 as an emergency fund for the purpose of taking care of the sick. With $40,000 for hospitals and $32,000 for such expenditure, it is $2,000 more than we are asking now.

Mr. HUMPHREYS of Mississippi. Where was the $32,000 spent?

Mr. HUMPHREY of Washington. It was taken from the educational fund and spent for the purpose of taking care of the sick.

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

Mr. WILLIS. Mr. Chairman, I wish the gentleman from New York would reserve the point of order just for a few minutes. I do not desire to detain the committee, and five minutes will be sufficient. Mr. Chairman, of all the matters that have come before the Committee on Territories none has appealed to me more than this one, and I want to refer particularly to the hearings to which I referred briefly a minute ago. The fact is that the condition that obtains among the natives of Alaska almost beggars description. I have before me here two statements which at this time I ask permission to insert in the RECORD at the close of my remarks if there be no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. WILLIS. One is a statement of Bishop Peter T. Rowe relative to the condition of the natives in Alaska. There is one paragraph in that letter in which he says:

> In a word, the natives of Alaska are fearfully diseased—30 per cent are afflicted with tubercular disease—many are blind. They are a menace to the white population, and as wards of this great Nation, whose country is possessed by the white people, their food and fur places being taken from them, it is only just to do something to relieve their miserable condition now, as we have heretofore failed to do anything for them.

Then in another statement his language bears out what has been already given here. The governor of Alaska, who is certainly conservative in what he says and what he recommends in reference to Alaska—the governor of Alaska in his published report and in his statement before our committee specifically urged a provision such as contemplated by the amendment offered by the gentleman from Washington. The governor of Alaska said, among other things:

> The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. Thirty-six per cent are infected by tuberculosis, 26 per cent by venereal diseases; trachoma and conjunctivitis are prevalent; other cases, strongly suspected to be leprous, were also discovered. The menace of infection extends to the white population.

In other words, he urges, in order that these cases may be properly cared for, there shall be just such a provision as is contemplated by this amendment; and the governor further says:

> If we must make a choice as between the hospitals and schools, in God's name, give us hospitals. We want to save the lives of these people.

What boots it to teach the Indian boy to read the English language if at the same time he is afflicted with a loathsome disease that is to strike him down to his grave? The fact is, gentlemen of the committee, that the natives of Alaska are in such a condition that unless something is done, as is contemplated by this amendment, they will simply be exterminated, and I do not believe that the American people are in a disposition to look with approval upon any such calamity as that.

As the gentleman from Washington [Mr. HUMPHREY] has said, we have made appropriations here to protect the seal herds—and properly so. We make a great appropriation to provide for the propagation of food fishes in Alaska—and properly so. However, as I pointed out to this House last year, very much of that which we are expending for the propagation of food fishes is a loss, because great corporations along the Pacific coast are taking millions upon millions of pounds of edible fish out of the waters of Alaska every year and making them into fertilizer. And yet we go on making these appropriations. But, forsooth, we have not the money to save the lives of men.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WILLIS] has expired.

Mr. WILLIS. The following are the letters which I obtained unanimous consent to insert:

WASHINGTON, D. C., *January 8, 1912.*

To his excellency the PRESIDENT.

SIR: While traveling through Alaska last winter, on my missionary work, I found the natives everywhere in such conditions of disease, want, and misery that I there and then resolved to come to Congress and plead with you for some remedial help on their behalf. Their condition is most pitiable. As wards of our Government, they must be protected. The time has come for something to be done.

THE CONDITIONS.

1. Diseases are largely prevalent. The governor of Alaska, in his report of 1910, pages 18–20, says: "The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. Thirty-six per cent are infected by tuberculosis, 26 per cent by venereal diseases; trachoma and conjunctivitis are prevalent; other cases, strongly suspected to be leprous, were also discovered. The menace of infection extends to the white population."

In the reports of education in Alaska of 1910–11, published by the Bureau of Education, attention is drawn to this distressing and serious situation. Officers and surgeons of the Revenue-Cutter Service bear similar testimony.

2. The resources of their food supply are being taken by white men, cannery companies, etc., so that actual want is very common among them.

3. Liquor peddling among the natives prevails, in spite of the law against it, to their demoralization and debauchery. Prosecution seems utterly ineffective to check the evil or protect the people.

In a word, the natives of Alaska are in such a condition of helpless misery that only some immediate, strong, merciful action on the part of the Government can save them from a swift extinction. Though they are slowly disappearing, are bound to do so before the advance of the superior race, yet as wards of our Nation, as original occupants of this land, it is but a matter of justice, mercy, that the Government should do its best to shield and save them from conditions that are hastening them to a miserable death.

THE REMEDY.

May I offer some suggestions in the way of relieving the distressing conditions?

1. Reservations should be immediately made. Before all available lands and streams are occupied by the white settlers and fish-canning companies reservations should be made for the natives. This can be done now without expense. It will have to be done some time, but if deferred it will mean much difficulty and expense.

The "Metla Khatla Reserve" is a striking illustration of the benefits of this "reservation" plan. There the natives have been secluded, have supported themselves, have attained a high state of local self-government, of health, happiness, and prosperity.

Last winter I visited the Copper River Indians and their Chief Good-la-Taw. He gave a pot-latch, and in an address said: "My people have always lived here. The bones of my fathers and the bones of their fathers lie in these hills. The white people, many and strong, are taking from us our homes. The Great White Father has so much land in Alaska, and surely will give my people these few acres, so they may die in peace. The white man's ways are not our ways, and the end of the journey is not far. My people are but children, who need the care of a wise father."

2. It will be necessary to pass some law to compel the people living by themselves, here and there, far removed from each other, to come together on the chosen site for reservation.

3. The advantages: They can be better, more economically, cared for. One good school in each reservation will suffice where now six or more schools are carried on, and to an attendance fearfully small. It can be made more useful than as conducted now. As it is, how can children who are diseased, poor, and hungry avail themselves of the schools as at present provided? Then they can be ministered to in a medical way that will be satisfactory, and that is not possible now. They can be trained into self-government, and under wise supervision will be able to support themselves entirely.

These are suggestions, and are the result of 16 years' experience. How to carry them into effect is the question upon which I seek your judgment and guidance.

I am, your obedient servant,

PETER T. ROWE, *Bishop of Alaska.*

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CORDOVA, ALASKA, *March 17, 1912.*

To the Hon. FRANK B. WILLIS,
Representative from Ohio, Washington, D. C.

MY DEAR MR. WILLIS: In writing you it is necessary that I first introduce myself. I am P. T. Rowe, Bishop of Alaska.

Deeply distressed with the ravages disease is making among the natives of Alaska, I felt compelled to visit Washington this past winter and present to His Excellency the President the facts. I did so, and the President was most interested, sympathetic, and responsive. He told me that he would join in any recommendations toward meeting the situation and referred me to the Secretary of the Interior. I interviewed the Secretary, who also was deeply interested, but felt that it was a question for Congress to deal with. So I applied to Members of Congress and had the honor of being invited to appear before the House Committee on Territories and the Senate committee. The needs of the "natives of Alaska" were presented and are on record. A copy of the statement is inclosed herewith. May I ask you kindly to consider the same? As a result of my report, it was suggested that a bill be prepared asking for remedial relief. This is being done. It will, I hope, be duly presented. May I ask you to give it your favorable consideration and support? It would be a stigma upon our civilization and Government to disregard so just and so needy a cause.

In a word, the natives of Alaska are fearfully diseased—30 per cent are afflicted with tubercular disease—many are blind. They are a menace to the white population, and as wards of this great Nation, whose country is possessed by the white people, their food and fur places being taken from them, it is only just to do something to relieve their miserable condition now, as we have heretofore failed to do anything for them.

The bill will call for an appropriation to provide a home for the blind, a sanitarium for the tuberculosis cases, and that their health and sanitary care be placed under the governmental Health and Quarantine Department.

I think that a commission should be appointed to attend to this whole matter. I believe it would be advisable to put them under the Indian Commission. I also believe that the scattered ones should be grouped in selected places, gradually, where they could support themselves, be looked after economically in hospitals, educated, trained into self-government. Something must be done—done promptly—for their relief, and so I beg you to give, if you can, your kind support toward passing the bill which will be presented and which seems the most advisable one to offer just now.

Faithfully, yours, P. T. ROWE.

Home address: 945 Twenty-first Avenue N., Seattle, Wash.

Mr. FITZGERALD. Mr. Chairman, it is very interesting to have these gentlemen complain because the Committee on Appropriations does not assume the jurisdiction belonging to the committee of which they are members and legislate on this bill. Whenever the committee does attempt to do it these gentlemen are very critical about the assumption of their authority; yet the Committee on the Territories, of which the gentleman from Ohio [Mr. WILLIS] is a member, have had under consideration a bill dealing with the relief of persons other than natives of Alaska, and this matter impressed that committee so forcibly that they never made the slightest reference to relief of this character in that legislation which is now pending in conference. A request was submitted to the Committee on Appropriations which contemplates a string of hospitals through Alaska not authorized by law. The Bureau of Education, starting in 1906 with an appropriation of $15,000 for Alaska, is now receiving $200,000 a year to furnish relief and to help educate these natives, yet at the same time filling gentlemen with these stories and with criticisms of the Committee on Appropriations. If they would attend to the duties of their own committee and consider the subjects of which they have jurisdiction, provision would have long since been made for the relief, if relief be necessary, in Alaska.

If a number of hospitals are to be established in Alaska, I am inclined to agree with a great many gentlemen that they should not be under the Bureau of Education, but rather under the Public Health Service. This appropriation of $200,000 has been available for physicians, and yet, from all the testimony that can be obtained, we might just as well have been depositing the money in the Bering Sea, so far as the effectiveness of the work done by them is concerned. Until legislation is carefully prepared and enacted providing properly for hospitals and hospital service, I am not prepared to say that this appropriation should carry authority to permit the Bureau of Education to go ahead and establish hospitals where it pleases, under the character of control that they have in connection with the other services. As these hospitals are not authorized by law, I shall insist on the point of order.

Mr. STERLING. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STERLING. I do.

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] insist on the point of order?

Mr. FITZGERALD. I insist upon it.

Mr. STERLING. I think I have a right to discuss it, even if the gentleman does insist.

Mr. FITZGERALD. I think not. I am in charge of the bill.

The CHAIRMAN. The Chair will hear the gentleman from Illinois [Mr. STERLING] on the point of order.

Mr. STERLING. Certainly. That is what I want to talk about.

Mr. Chairman, there can not be any doubt but that the Appropriations Committee has jurisdiction over this matter. The bill provides for the education and the support of the natives of Alaska—the Indians, the Aleuts, and the Eskimos. The Committee on Appropriations undertakes to appropriate $200,000 for the education and the support of the natives of Alaska. Now, if there is any authority of law for the appropriation of $200,000 for the purpose as specified in the bill, there is authority of law for the appropriation of $70,000 additional.

The bill provides that this $200,000 may be used for the erection of schoolhouses. I do not know of any express authority of law for the building of schoolhouses, but I have no doubt it is perfectly competent for the Government, under the power to educate the Indians, to build schoolhouses, and just as sensibly they have the right to build hospitals for the support of the natives of Alaska. What is there more essential to the support of those natives than medical aid, and hospital service, and surgical service?

The Chair will note that at the bottom of page 113 the bill as it is now provides:

To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska.

Then it proceeds:

For the erection, repair, and rental of school buildings.

In the amendment offered by the gentleman from Washington [Mr. HUMPHREY] the very same language is used—"for the erection, repair, and rental of" hospitals. The one goes to the education of the natives of Alaska. The other goes to the support of the natives of Alaska.

The CHAIRMAN. The Chair will ask the gentleman from Illinois if he has any law other than this appropriation bill which authorizes him in stating that there is a law authorizing the erection of hospitals in the Territory of Alaska?

Mr. STERLING. There is no express law providing for the erection of hospitals, neither is there express law for the erection of schoolhouses, but here is the point that I desire to make, if the Chair will listen to me for a minute: It is not subject to a point of order if the provision now contained in the bill relating to the erection of schoolhouses is not subject to a point of order.

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

Mr. STERLING. I do not. I do not want to do that; I want it to remain. It is too late to make the point of order against that section of the bill; and the point of order not having been made against that provision it is proper now to insert this amendment, even if it is not authorized by law. An amendment to a provision in a bill that is subject to a point of order, if it is germane to the bill, is not subject to a point of order unless the point of order is made against the entire paragraph.

The CHAIRMAN. Does the gentleman think that the erection of a hospital is germane to a bill providing for the erection of a schoolhouse?

Mr. STERLING. No, sir; but it is germane to a bill providing for the support of the natives of Alaska. That is the provision in this bill under which hospitals are justified, and just as much so and just as clearly so as the erection of schoolhouses is admissible under the provision providing for the education of the natives of Alaska. There can be no distinction, and if this is subject to a point of order the entire paragraph is subject to a point of order. The provision relating to the erection of schoolhouses is subject to a point of order, because it is no more necessary, no more nearly related to the education of the Alaskans, than is the building of hospitals and the supply of medical service necessary to their support. Therefore, Mr. Chairman, it is wholly immaterial at this point whether the paragraph is subject to the point of order or not. No point was made in apt time against it, and so it will remain—at least it can not go out on a point of order. So the question as to whether the amendment is authorized by existing law does not arise. It is a competent amendment, even though not authorized by law, if it is germane to the subject matter of the paragraph. It must be germane under that provision of the paragraph pertaining to the support of the Alaskan natives. Support necessarily implies medical and surgical aid and the necessary equipment for this service, such as hospital aid and physicians and surgeons.

Mr. Chairman, there can be no doubt, it seems to me, on that question. This amendment is germane to the provision for support, the same as schoolhouses and teachers are germane to the provision for the education of the natives. It being germane, the question as to whether it is authorized by law can not be urged against it because the point was not urged against the paragraph. The amendment for hospitals is authorized for support of natives as plainly as schoolhouses are authorized for their education.

Mr. Chairman, I desire to say a word as to the merits of the amendment. The condition of the Eskimos, Aleuts, and Indians of Alaska is deplorable. They are rapidly diminishing in numbers, due to disease, the most fatal of which are tuberculosis, trachoma, and syphilis. In the last 10 years their numbers have fallen off more than 4,000. This is an awful fatality. In 1900 there were 29,536 native population in Alaska. In 1910 there were only 25,331, a decrease of 4,205, or 14.5 per cent. This great decrease was due to the ravages of these diseases.

Mr. Chairman, I read from the report of the Bureau of Education:

For years the reports of the governor of Alaska, of the teachers of United States public schools in Alaska, of medical officers of the Government serving on revenue cutters in Alaskan waters, and of officers of the Army stationed in Alaska have emphasized the fact that the checking of disease among the natives of Alaska is an urgent national duty. Efforts to obtain congressional appropriations for this purpose have not been successful. Realizing the absolute necessity for action, the Bureau of Education, under a decision from the Comptroller of the Treasury, is using part of the appropriation for the education of natives of Alaska in endeavoring to furnish medical relief in the manner set forth elsewhere in this report. Under the comptroller's decision the Bureau of Education may not erect hospitals in Alaska. The use of part of the appropriation for the education of the natives of Alaska for the suppression of disease is an emergency measure. The entire appropriation for education in Alaska is urgently needed for the work of providing adequate educational facilities and for the industrial development of the native population. It should not be diminished. The appropriating of funds to enable the Bureau of Education to provide adequately for the medical and sanitary relief of the natives of Alaska is urgently recommended.

We ought to heed the admonition of this report. We are derelict if we do not do something to stop these ravages. The white man's civilization brought these diseases to the door of the wigwam and tepee, and it is the duty of the white man's government to take them away. Let me quote from the reports of the governor of Alaska for the years 1910 and 1911. It is so important, in his judgment, that he urged the matter in both reports, as follows:

The existence of infectious diseases, alarming in their nature and wide prevalence among the native people, calls for vigorous action. The menace of infection extends to the white inhabitants, for there are Indian, Eskimo, or Aleut villages in the immediate neighborhood of nearly all the principal towns, and the natives mingle freely among the whites in public places. The conditions have certainly not improved since 1908, when, in southeastern Alaska, a physical examination being made by one of the school physicians of 1,161 natives, 418, or 36 per cent, were found to be affected with tuberculosis, and 308, or 26 per cent, were found to be affected with venereal diseases. Among other diseases prevalent in southeastern Alaska, as well as in several other parts of the Territory, are trachoma and conjunctivitis; and in the Alaska Peninsula are several cases, which, after long and careful examination, are strongly suspected to be leprosy.

There is no law which requires the natives to observe any of the ordinary rules of sanitation, and their unfortunate condition is often traceable directly to the filthy condition of their villages and the dwellings in which they live. Yet these people are generally respectful of the law, and a simple set of statutory requirements imposing a mild penalty for nonobservance would unquestionably cause a great improvement in sanitary conditions. The welfare of the white inhabitants, as well as that of the natives, demands such a law.

This bill appropriates $200,000 for the education of these people. What folly it is to do this and give nothing for their relief from these horrible diseases. It is far better to cure them than to educate them, but we can and ought to do both.

The CHAIRMAN. The Chair is ready to rule. The Chair does not think that the amendment of the gentleman is germane, in the first place, to the paragraph, and, again, the Chair does not think it is authorized by law. It has been ruled over and over again that an appropriation of this character can not be held to be in order as a continuation of a public work. The Chair sustains the point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting a letter in the RECORD.

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

There was no objection.

Mr. STERLING. Mr. Chairman, I ask the same privilege.

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

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

All expenditures of money appropriated herein for school purposes in Alaska shall be under the supervision and direction of the Commissioner of Education and in conformity with such conditions, rules, and regulations as to conduct and methods of instruction and expenditure of money as may from time to time be recommended by him and approved by the Secretary of the Interior.

Mr. MANN. Mr. Chairman, I reserve a point of order on this paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. Suppose this paragraph should go out. What would be the effect?

Mr. SHERLEY. I suppose if it went out the effect would probably be the same as if it were in.

Mr. MANN. I think so, too. It will be under the control of the Secretary of the Interior. I make a point of order against the paragraph.

Mr. SHERLEY. If that be so, I do not think it is subject to a point of order.

Mr. MANN. Oh, yes; it is. It is subject to a point of order.

Mr. SHERLEY. It does not change existing law.

Mr. MANN. Oh, yes; it does change existing law.

Mr. SHERLEY. Then its being in must make some difference.

Mr. MANN. No. If it is in, it leaves it under the control of the Commissioner of Education. If it is out, it leaves it under the control of the Secretary of the Interior, who may commit it to the Commissioner of Education.

Mr. SHERLEY. What does the gentleman say to the proposition that it is a limitation on the expenditure, anyway, and not legislation?

Mr. MANN. I do not think that is it. It is legislation, pure and simple.

The CHAIRMAN. The Chair is inclined to sustain the point of order unless the gentleman from Kentucky offers some reasons that are convincing.

Mr. SHERLEY. I do not think it is material enough to argue.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among the natives of Alaska, to be expended under the direction of the Secretary of the Interior, $12,000.

Mr. WILLIS. Mr. Chairman, I move to insert, after line 10, page 115, the following language:

To provide for the erection of buildings as is provided in the act approved June 25, 1910, $25,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amend, page 115, after line 10, by inserting the following: "To provide for the erection of buildings as provided in the act of June 25, 1910, $25,000."

Mr. FITZGERALD. I reserve a point of order against the amendment.

Mr. WILLIS. I am willing to have the gentleman make the point of order.

Mr. SHERLEY. We should like to know what the act of 1910 is.

Mr. WILLIS. The act approved June 25, 1910, a copy of which I hold in my hand, reads as follows:

Be it enacted, etc., That there is hereby established at Fairbanks, in the Territory of Alaska, and at Nome, in the Territory of Alaska, respectively, a detention hospital for the temporary care and detention of the insane, wherein all insane and other patients in charge of the United States marshal shall be detained until transported to the asylum provided by law for their permanent care and cure, or otherwise disposed of as provided by the laws of the United States; and the sum of $25,000 is hereby appropriated out of any moneys in the United States Treasury not otherwise appropriated, not exceeding one-half thereof to be expended in the erection and equipment of the hospital at Fairbanks, and not exceeding one-half thereof to be expended in the erection and equipment of the hospital at Nome.

I have read the first section of the act.

Mr. SHERLEY. Now, I make the point of order that the power under that act has already been exercised and the money appropriated, and ought not to be reappropriated.

Mr. WILLIS. When was the money appropriated?

Mr. SHERLEY. When the act was passed. The gentleman has just read it.

Mr. WILLIS. As I understand, there has never been any actual appropriation.

Mr. SHERLEY. The act appropriates the money. It may not have been spent.

Mr. MANN. It says:

And the sum of $25,000 is hereby appropriated out of any moneys in the United States Treasury not otherwise appropriated.

Mr. WILLIS. I had not previously read the act of June 25, 1910, and upon examination of it I concede the point of order.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $100,000.

Mr. RAKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, in line 21, page 115, by striking out the figures "100,000" and inserting in lieu thereof "233,703."

Mr. RAKER. Mr. Chairman, I want to call the attention of the committee to this amount of $233,703, an increase of $133,-

703 over and above the amount allowed in this bill. Two hundred and thirty-three thousand seven hundred and three dollars is the amount that is estimated by the Secretary of the Interior, which he states, and which the evidence before the committee shows, is absolutely necessary to put this park in shape so it can be properly used. We have there a large piece of property belonging to the Government, and at the present time there is no means by which the people of the United States are able to get in this park by automobiles, the latest means of travel, as they ought to be able to do. There ought to be a sufficient amount expended, as recommended by the department, so that the roads to and in this park coming from the south and from the north, as well as from the end of the railroads, be put in proper shape. We have expended large sums of money for other purposes, and this expenditure will put it in the shape in which it ought to be for its proper use and protection.

In the testimony taken by the Committee on Appropriations, the chief clerk of the Secretary of the Interior and other officials were present, and that testimony showed the need and the necessity for this appropriation as estimated.

I want to call the attention of the committee to the fact that representatives of an association consisting of 86,000 people were in the Yosemite Valley last fall with the Secretary of the Interior, and with all the superintendents of the national parks, and full investigation was made and hearing had, and they desire that this park, with the other parks, be put under a park bureau, to the end that one man, the head of that bureau, can give his entire attention to this large and important matter.

The revenues from the public parks, even with the public roads built and put in proper shape, as they ought to be in the parks, will be practically sufficient to maintain the parks as they ought to be. I trust that the committee at this time will see its way clear to adopt this amendment raising it from $100,000 to $233,703, covering the amounts under the estimate. It is needed. The Government, by a small appropriation, should not prevent this park from being used to its full extent. It is one of the playgrounds of the people of this Nation. The Government should provide for the proper improvement of its great property. Ten times as many people would visit this park if the proper and necessary improvements are made. The entire State of California is anxious for this road improvement. There can be no possible reason why automobiles should not be permitted to enter the park. If roads are provided, they can. The State of California is expending $18,000,000 for good roads. Certainly this Government should meet the same needs for its most wonderful park by providing proper roads over its property.

Mr. KNOWLAND. Mr. Chairman, in supporting this amendment I desire to commend the committee for increasing the appropriation carried in the pending bill by $50,000 over the amount carried in the sundry civil bill when it left the House last year. While the appropriation is increased, the amount should be as large as provided in the amendment just offered by my colleague.

I wish to direct attention to the fact that the Yosemite National Park has received comparatively small appropriations for the improvement of roads. California has authorized a bond issue of $80,000,000 for the improvement of roads throughout that State. We have had appropriated for the roads in the Yosemite National Park since it was taken over by the Government about $113,000. There has been appropriated for the Yellowstone National Park for the improvement of roads over $2,000,000. The roads in that park are in excellent condition, with the result that during recent years appropriations for roads have not been necessary. Of course, I appreciate that the Yellowstone is a larger and older park, but still, even these facts would not fully account for the marked difference in the amounts appropriated.

Mr. WARBURTON. If the gentleman from California will pardon me, the Yellowstone Park has $150,000 appropriated in this bill.

Mr. KNOWLAND. For roads?

Mr. WARBURTON. Yes.

Mr. KNOWLAND. I have a statement from the War Department showing that for the past six years practically no appropriations were made for roads, because they had been placed in such good condition.

Mr. WARBURTON. They are placed under the direction of the War Department. Last year there was $177,000 appropriated for the Yellowstone Park.

Mr. KNOWLAND. I do not think this was for roads. However, I want to call attention to the fact that the Government has been particularly generous with the Yellowstone National Park in the building of roads but that it has not been in reference to the Yosemite National Park. At this particular time we of California are anxious that the roads be placed in a condition so that the visitors whom we expect in California within the next few years will be able to enter the park with comfort. When the roads are placed in condition, automobiles will be allowed within the park.

The following letters from the Secretary of the Interior and from the Chief of Engineers show the amounts appropriated for roads in the Yosemite and Yellowstone National Parks:

AUGUST 17, 1912.

Hon. W. L. FISHER,
Secretary of the Interior.

MY DEAR SIR: If available, will you kindly furnish me with the following data:

Total amount expended in road construction in Yellowstone Park.
Total amount appropriated for road construction in Yellowstone Park.
Total amount expended for road construction in Yellowstone Park during the last six years.
Total amount appropriated for road construction in Yellowstone Park for the last six years.
Total amount expended for road construction in Yosemite Park since the Federal Government took charge.
Total amount appropriated for road construction in Yosemite Park since the Federal Government took charge.

Very truly, yours,

J. R. KNOWLAND.

DEPARTMENT OF THE INTERIOR,
Washington, August 22, 1912.

Hon. J. R. KNOWLAND,
House of Representatives, Washington, D. C.

SIR: I am in receipt of your letter of August 17, 1912, requesting information as to the amount of money appropriated and expended for road work in the Yellowstone National Park, as well as the total amount expended for roads in Yosemite Park since the Federal Government took charge, and the total amount appropriated for road construction in Yosemite Park since the Federal Government took charge.

The expenditure of the appropriations for road construction and other improvements in the Yellowstone National Park being under the supervision of the Secretary of War, your letter has accordingly been forwarded to that officer for consideration.

In relation to the Yosemite National Park, it may be stated that the park was created by the act of October 1, 1890, from which date up to July 1, 1898, no appropriations whatever were made by Congress for this park. Subsequently appropriations were made for the improvement of Yosemite National Park generally, "For protection of Yosemite National Park and the construction of bridges, fencing, and trails, and improvements of roads other than toll roads, to be expended under the supervision of the Secretary of the Interior," to wit:

1899	$4,000
1900	4,000
1901	4,000
1902	4,000
1903	6,000
1904	6,000
1905	25,400
1906	5,400
1907	5,750
1908	30,000
1909	30,000
1910	30,000
1911	62,000
1912	50,000
Total	266,550

From 1899 to 1905 the appropriations for the park, which were small, were expended in the cost of administration, the construction and repair of trails, etc.

After the passage of the joint resolution of June 11, 1906, accepting the recession by the State of California of the Yosemite Valley grant and the Mariposa Big Tree Grove, and including the same within the metes and bounds of the Yosemite National Park, it became evident that the Government would be compelled to take some steps toward the construction of proper roads leading into and on the floor of the Yosemite Valley, and accordingly the following amounts were expended for that purpose, either from the park appropriations or from the park revenues, in each of the following years, to wit:

	From congressional appropriations.	From park revenues.
1906	$8,000.00	
1907		$17,000.00
1908	13,000.00	
1909	12,729.99	
1910	13,440.60	20,329.03
1911	18,997.79	
1912	6,125.63	3,955.38
	72,294.01	41,284.41

Making a total expenditure in all for road work of approximately $113,578.42.

The above totals are approximate only and are taken from the memorandum records in the department. To get at the exact figures would necessitate an examination of the vouchers on file in the auditor's office. This would take up more time than it would be practical to allot from the clerical force engaged in this work in the Secretary's office, considering the demands for current business.

Very respectfully,

CLEMENT S. UCKER, *Chief Clerk.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, August 22, 1912.

Hon. J. R. KNOWLAND,
United States House of Representatives.

SIR: 1. I have the honor to inform you that your letter of the 17th instant, addressed to the Secretary of the Interior, making inquiry con-

cerning expenditures in the Yellowstone and Yosemite National Parks, has been referred to this office.

2. The total amount expended in road construction in Yellowstone National Park to June 30, 1912, is about $1,115,383.05 for the permanent work. About $200,000 was expended in early work, which has since been replaced and which does not form a part of the completed system, and maintenance and repairs have cost about $731,001.37, making the total expenditure for construction and maintenance of the roads and bridges to June 30, 1912, $2,046,384.42.

3. The total amount appropriated for roads and bridges to and including March 4, 1911, was $2,046,586.23.

4. The total expenditure for road and bridge work in the park during the six years ending June 30, 1912, was $409,875, but this amount was principally for maintenance and repairs, as the park road system was practically finished during the fiscal year ending June 30, 1906.

5. The total amount appropriated during the six years from and including June 30, 1906, to June 30, 1912, was $405,000, but all of the appropriations during that period were for maintenance and repair of improvements, with the exception that the act approved March 4, 1911, authorized a road extension to properly connect with the new Canyon Hotel. The excess of expenditures over appropriations during that period is explained by the fact that there was on June 30, 1906, a balance available from the appropriation of March 3, 1905, which by the terms of the act was made available until expended.

6. I take pleasure in sending you a copy of Appendix GGG of the Annual Report of the Chief of Engineers for 1911, which contains the latest published annual report on the work in question.

7. It is understood that reply to your inquiries concerning the Yosemite National Park will be made by the Department of the Interior, which has charge of the road work in that park.

Yours, respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was lost.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise. I will state to the Members that it is for the purpose of permitting the Committee on Naval Affairs to report the naval bill and to transact some trifling business, and then the committee will resume its sitting. I move that the committee now rise.

The motion was agreed to; accordingly the committee determined to rise, and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28775, the sundry civil appropriation bill, and had come to no resolution thereon.

SENATE BILLS REFERRED.

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

S. 8536. An act to authorize the construction of a bridge across the Mississippi River in Beltrami County, in the State of Minnesota; to the Committee on Interstate and Foreign Commerce.

S. 8538. An act to authorize the St. Louis & Western Traction Co. to construct a bridge across the Missouri River near Weldon Springs Landing, in the State of Missouri; to the Committee on Interstate and Foreign Commerce.

S. 8539. An act to authorize the St. Louis Belt, Illinois & Eastern Traction Co. to construct a bridge across the Mississippi River, near the mouth of the Missouri River; to the Committee on Interstate and Foreign Commerce.

S. 8195. An act granting relief to certain American citizens in El Paso, Tex., and Douglas, Ariz.; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 11478. An act to quiet title and possession with respect to a certain unconfirmed and located private-land claim in Baldwin County, Ala., in so far as the records of the General Land Office show said claim to be free from conflict; and

H. R. 2839. An act for the relief of William Hommelsberg.

NAVAL APPROPRIATION BILL.

Mr. PADGETT, chairman of the Committee on Naval Affairs, by direction of that committee, reported the bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes (H. Rept. 1557), which was read the first and second times and, with accompanying papers, was ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS reserved all points of order on the bill.

Mr. PADGETT. Mr. Speaker, the gentleman from Mississippi [Mr. WITHERSPOON] and other members of the committee desire to submit minority views, and I ask unanimous consent that they have leave to do so, not to delay consideration of the bill.

Mr. FOSS. Within what period of time?

Mr. GARNER. Five days, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Mississippi [Mr. WITHERSPOON] and others, members of the Committee on Naval Affairs, have leave to file minority views within five legislative days, not to interfere with the consideration of the bill. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I have a trifling matter I want to present to the House. I ask unanimous consent to take from the Speaker's table the bill H. R. 28499, the District of Columbia appropriation bill, nonconcur in all the Senate amendments, and request a conference.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the bill H. R. 28499, the District of Columbia appropriation bill, disagree to all the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. WILLIS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects. Under the rule the bill will be referred to the Committee on Appropriations.

Mr. FITZGERALD. Mr. Speaker, I ask that it be printed and the Senate amendments numbered.

The SPEAKER. It will be printed with the Senate amendments numbered when it is referred.

PRINTING OF TARIFF HEARINGS.

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

The Clerk read as follows:

House concurrent resolution 71.

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

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I think probably the resolution will be effective, although the law provides that there must be an estimate of the cost submitted by the Committee on Printing before the House can do this. If it does not conflict so that the printing may be done, I have no objection.

Mr. UNDERWOOD. Mr. Speaker, I will state to the gentleman from Illinois that the resolution is absolutely the same in language that was passed four years ago for the printing of the same hearings, and the books were printed at that time under the same action being taken by the House now.

Mr. MANN. Without a report from the Committee on Printing?

Mr. UNDERWOOD. Without a report.

Mr. MANN. It may be that the Public Printer will violate the law, and that he did before. I do not know. The law specifically provides that it must be done before the printing is done.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. HUMPHREYS of Mississippi. The resolution, as I caught it, does not provide for distribution through the folding room.

Mr. MANN. This goes through the folding room.

Mr. UNDERWOOD. It will go through the folding room. The purpose of the resolution is to provide the Members of the next House with copies of these hearings before the tariff bill is reported.

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

The resolution was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 28775—the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, with Mr. HAY in the chair.

The CHAIRMAN. The gentleman from California [Mr. NEEDHAM] had offered an amendment, which the Clerk will report.

The Clerk read as follows:

Page 115, line 21, change the period to a colon, and add: "*Provided*, That in the administration of the Yosemite National Park the laws applicable to the Yellowstone National Park now in force relating to the granting of leases are hereby extended to the Yosemite National Park."

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

Mr. NEEDHAM. Mr. Chairman, will the gentleman reserve the point of order a few moments?

Mr. FITZGERALD. Mr. Chairman, I intend to make it. If the gentleman wishes to use five minutes, I have no objection.

The CHAIRMAN. The Chair sustains the point of order.

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

The Clerk read as follows:

Add, at the end of line 21, page 115, the following:

"*Provided*, That in the administration of said Yosemite Park the Secretary of the Interior is hereby authorized and empowered to grant leases, for periods of not exceeding 20 years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding 20 acres each, at such places, not to exceed 10 in number to any person, corporation, or company in said park, as the comfort and convenience of visitors may require for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, etc. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than the said lessees, such payments to be made by said new lessees, respectively.

"That any person or corporation or company holding a lease or leases within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

"That any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

"That all provisions of existing law in relation to said park not in conflict herewith are hereby continued in full force and effect."

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

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Sequoia National Park, Cal.: For the protection and improvement, construction, and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $15,550.

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

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

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. WARBURTON].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WARBURTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 8, noes 35.

So the amendment was rejected.

Mr. WARBURTON. Mr. Chairman, I desire to offer another amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 116, after "$13,400," in line 6, insert:

"That the United States Government cedes to the State of Washington title in fee simple to and jurisdiction over all of the land within Mount Rainier National Park on the condition that the State of Washington shall maintain said park as a national public park; that the State of Washington may sell such timber in the park as the commissioners herein mentioned may find will not injure the scenic beauty of the park, and that the proceeds from the sale of timber shall be used solely for the construction of roads, bridges, and trails within the park and the protection and the beautifying the same; that the proceeds from the sales of timber shall be first used to widen the present roadway in the park to Paradise Valley to the full width of 16 feet and the building of necessary trails; after such road is so improved the said commissioners shall locate and construct a road around the mountain connecting with the road aforesaid as rapidly as funds may become available; that not more than one-tenth of the timber within said park shall be removed within seven years from the date of the passage of this act and not more than one-tenth every recurring seven years thereafter; that no timber shall be sold on land that has once been logged within a period of 50 years after the same has been logged; that no timber shall be sold or land logged within 40 rods of the present Government road or roads to be constructed. That a commission of three men of the highest standing and character within the State of Washington shall be appointed by the governor of the State, who shall have charge of said park, and who shall act without compensation, and whose duties shall be to carry out the provisions of this act and such additional rules and regulations as shall be prescribed by the Legislature of the State of Washington not inconsistent with the conditions herein contained.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that.

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

Mr. FITZGERALD. Mr. Chairman, I simply desire to say this: The department submitted an estimate, which the committee has recommended. Subsequently, after the representatives of the department, the gentleman from Washington [Mr. WARBURTON], and some others appeared before the committee, a belated estimate came in, requesting an appropriation of $175,000 for the improvement of the park, although in the original Book of Estimates the estimate for this purpose was but $13,400.

In attempting to justify the supplemental estimate the Secretary of the Interior made this statement:

The superintendent of the Mount Rainier National Park, in accordance with instructions from this department, transmitted estimates for the park for the fiscal year ending June 30, 1914, in the total sum of $343,400, which estimates were, upon consideration by the department, reduced to $13,400, the amount embodied in the annual Book of Estimates, page 643.

This action was taken in view of the fact that the total estimates for 1914, as submitted by the various bureaus of the department alone, exceeded by $11,200,000 the annual estimates for the fiscal year ending June 30, 1913. This amount was deemed excessive, and it was necessary to require each bureau, park, or other branch to bear a proportion of reduction.

I have, however, concluded from information brought to my attention as to the necessity for the improvement and extension of present roads in the Mount Rainier National Park and for the construction of new trails, that the best interests of the park would be subserved by submitting the herewith further estimate in the sum of $175,000.

Mr. Chairman, it requires more stability than this on the part of the departments regarding their belief as to what is required for the public service to enable Congress to act intelligently. The amount is taken out, before the annual estimates are submitted to Congress, in order to make a good showing. After a time has elapsed items are put back in order to obtain moneys that may or may not be highly desirable or important. It is impossible in a short session of Congress to keep track of the many shifts made by departments regarding estimates, waiting until a bill is practically complete and then shifting their position and expecting committees to be able to determine just what is proper.

I am not at all certain but that the most advisable thing to do would be to turn this park over to the State of Washington. I believe that the park is not of such a character as to justify its maintenance as a national park, although it has features and characteristics that undoubtedly would make it highly desirable to the State to preserve and develop it.

I insist upon this point of order because it is proper that some committee with jurisdiction should have an opportunity to take up the suggestion of the gentleman from Washington and work out a plan, and if it be determined that under proper conditions the park should be transferred to the State I should not oppose it.

It is impossible for the committee under these circumstances to permit the incorporation of such a comprehensive provision in the bill. I insist upon the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $3,000.

Mr. LAFFERTY. Mr. Chairman, I move to strike out $3,000 and insert $100,000.

The CHAIRMAN. The gentleman from Oregon offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 116, line 15, strike out "$3,000" and insert "$100,000."

Mr. LAFFERTY. Mr. Chairman, the Chief of Engineers of the Army has made a report, which has been adopted by the department, and in the estimate sent to the Committee on Appropriations by the Secretary of the Treasury an appropriation of $100,000 is asked for the purpose of building roads in the Crater National Park, in Oregon. The estimates include $7,540 for the mere purpose of protecting, improving, repairing, and extending the roads of that park, making the total estimate $107,540, whereas the amount given by this bill is only $3,000.

The bill last year gave $3,000 for this purpose and $50,000 for the roads. Last year the same amounts were included in the estimate as this year, to wit, $107,540.

Now, if the Democratic Committee on Appropriations and the Democratic Party, soon to be in complete control of the Government, feel that the Government is so poor that it will be unable to maintain these national parks, then, even though the State of Oregon joined the Democratic procession last winter, in so far that it cast its electoral vote for the Democratic nominee for the Presidency, we people out there feel that we would gladly accept legislation such as has just been proposed by the gentleman from Washington [Mr. WARBURTON]; and if the Crater

Lake National Park should be ceded by the Federal Government to the State of Oregon under such safeguards as would guarantee that none of the lands would ever be alienated, but would be retained for public purposes, and that none of the timber would ever be wasted, and that all of the natural resources inside of the boundary of the park would be preserved and safeguarded further so that the cession to the State would be revoked if any of these conditions should ever be violated, the State of Oregon would be glad to accept it. And while I know that this amendment to increase this appropriation to $100,000 will be voted down, I feel it my duty as a representative of the State to offer this amendment and to make the suggestion that we would accept the same offer that has been made by the gentleman from Washington [Mr. WARBURTON].

Mr. FITZGERALD. The gentleman from Oregon bases his appeal largely upon the ground that the electoral vote of Oregon has been cast for the Democratic Party in the last election. Perhaps if the State had gone further in its election returns it might have appealed more forcibly to the committee.

For the current year $50,000 was given for the improvement and construction of roads in the Crater Lake Park. At the end of this year there will be an unexpended balance of $48,000. Only $2,000 will be spent during this year. More than that, investigation discloses that the construction of the roads in this park, as proposed and in the manner intended, is practically for the benefit of the casual automobile tourist. The committee does not believe that $600,000 should be spent in the Crater Lake Park for roads merely to accommodate the occasional automobilist who happens to stray into that vicinity.

I hope the amendment will not be agreed to.

Mr. LAFFERTY. Is it not a fact that the estimate shows that Gen. Bixby recommended first $150,000, and that it was desired to finish this road construction in time for the Panama Canal Exposition at San Francisco in 1915?

Mr. FITZGERALD. The fact remains that at the end of the current fiscal year $48,000 will remain unexpended of an appropriation of $50,000. The only mistake that seems to have been made was that the committee was overliberal at the last session in giving $48,000 more than could be utilized during the current year, and it was done at a time when the committee was not overanxious to appropriate money unnecessarily.

I hope this amendment will not be agreed to.

The amendment was rejected.

The Clerk read as follows:

Platt National Park, Okla.: Pursuant to the authority conveyed in section 64 of the act approved July 1, 1902 (Stat. L., v. 32, p. 656), all of the land comprising the Platt National Park in the State of Oklahoma is transferred and title thereto vested in the State of Oklahoma.

Mr. MILLER. Mr. Chairman, I make a point of order against the paragraph.

Mr. STEPHENS of Texas. There are three other paragraphs relating to the same subject.

The CHAIRMAN. The gentleman makes a point of order to the first paragraph.

Mr. MILLER. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. I made the point of order immediately upon the conclusion of the reading of that paragraph by the Clerk. Will not that point of order have to be disposed of before we proceed to the reading of the next paragraph?

The CHAIRMAN. The Chair thinks so.

Mr. MILLER. If the gentleman will consent that the three paragraphs may be grouped and the point of order made as to all I am willing.

Mr. FITZGERALD. No; the gentleman must first prove that this paragraph is subject to a point of order.

Mr. MILLER. Then, Mr. Chairman, I would like briefly to address myself to the point of order. I have no doubt the committee considers it in order, because of the operation of the Holman rule.

Mr. FITZGERALD. No.

Mr. MILLER. It may be that I assume too much, and if I have I will be corrected. Mr. Chairman, I think that this is a matter of great importance and one that should not be disposed of by a moment's thought or a moment's discussion. Unfortunately the hour of the day is such that it will not receive the attention from Members of the House to which I think it is entitled.

Mr. FITZGERALD. It is five hours probably before adjournment.

Mr. MILLER. Well, my staying powers are pretty good, and if the gentleman will permit this to be discussed for some time we may get at the bottom of it.

Mr. COOPER. I want to say to the gentleman that if this is insisted on I shall raise the point of no quorum.

Mr. SHERLEY. If what is insisted upon?

Mr. COOPER. If this item goes through.

Mr. SHERLEY. The gentleman from Wisconsin can make any points that he chooses. The committee put this in in good faith and proposes to keep it in if it can.

Mr. STEPHENS of Texas. Will the gentleman from Minnesota permit a suggestion?

Mr. MILLER. I shall be glad to, but I have hardly got started on my point of order.

Mr. STEPHENS of Texas. This paragraph and the next one ought to be considered together.

Mr. MILLER. I am afraid if we start to read the next one we shall lose our rights.

The CHAIRMAN. The paragraphs will have to be disposed of as they are read.

Mr. MILLER. Mr. Chairman, the provision of law upon which the paragraph is stated to be in order is a chapter in the laws of 1902, signed by the President July 1. This is not only a statute, it is vastly more, it is a treaty. This paragraph proposes, Mr. Chairman, to violate a treaty between the United States and the Choctaw and Chickasaw people. It is not simply repealing a law in the interest of economy, but it is violating the solemn compact known as a treaty made by the United States in its sovereign power with the Choctaw and Chickasaw Tribes of Indians in their sovereign power. Therefore, if by invoking the Holman rule, or any other rule of the House, it is in order on an appropriation bill to violate a treaty obligation with the United States, we can here and now revoke every treaty between the United States and Great Britain or France or Russia or any other country. I do not believe there can be any construction of the rule which will permit a violation of the treaty by a paragraph in an appropriation bill. This is one paragraph in a long treaty, and it is not an unimportant treaty. This provision repeals part of a treaty, and in so doing changes existing law.

Mr. BARTLETT. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. BARTLETT. Will not the gentleman concede the power of Congress to pass a law revoking the treaty?

Mr. MILLER. Most assuredly Congress has the power, but not to do it in an indirect way on an appropriation bill.

Mr. BARTLETT. If it is in order, we can do it on an appropriation bill.

Mr. MILLER. But the point I am making is that it is new legislation, repealing a statute now on the statute books; also repealing a treaty; therefore not in order, because changing existing law.

Mr. BARTLETT. I did not think the gentleman would take the position that we could not do it if it was in order.

Mr. MILLER. No. The point of order I am making is that it is new legislation and not in the interest of economy. There is no reduction or economy mentioned in the paragraph, and it is a change in existing law and in direct violation of treaty obligations.

Aside from the merits of the case, it seems to me that that statement embraces the vital points to be considered. I started to say a few moments ago that this was not an unimportant treaty. It is the most important treaty, except one, ever made between the United States and the Indians in the Southwest. This is a treaty which the United States wanted the Indians to make. The Indians were exceedingly reluctant to make it. The United States were exceedingly anxious to have it made. It contains many features that have proven of the utmost importance in the administration of the Indian affairs in the Five Civilized Tribes. That which to the Indian mind was dearer than dollars and cents, that which appealed to patriotism as they knew it, above that of anything else, was the spot hallowed to them by tradition, by song, by love, and by utility—the sulphur springs of this park. These are in the heart of the great Chickasaw and Choctaw Indian country.

It is the center of Indian lore, the center of Indian tradition. By the terms of this treaty we propose that there shall be a breaking up of tribal governments, of tribal organizations; that there shall be no longer an Indian reservation; there shall no longer be a communal holding of property; that there shall be a segregation of property and the cutting up of land into allotments, that each Indian might have his proportionate share; and the Indian governments cease, as such, to exist.

The CHAIRMAN. The Chair would ask whether or not this particular park is included in the act referred to in the paragraph in volume 32 of Statutes at Large, at page 656?

Mr. MILLER. It is, I will state to the Chairman, and the Chairman will, of course, be immediately advised that this is but a legislative ratification by Congress of a treaty entered into between the United States and these Indian tribes. It is known

as that of July 1, 1902. It was subject to ratification by the Indians, which ratification was made by an election held subsequent to July 1, but it is a treaty. It is the putting upon the statute books, as far as the United States is concerned, ratification of a treaty that had been negotiated between the representatives of the Indians and the United States, and the fact that it appears upon the statute books here is simply the ratification by the United States Congress. The subsequent ratification by the Indians was made by their election held in September of that year. So that is not simply a statute. This is a ratification of a treaty which the United States had made.

Mr. FITZGERALD. But a treaty is a law.

Mr. MILLER. It is more than a law.

Mr. FITZGERALD. Oh, no; it is not.

Mr. MILLER. I beg the gentleman's pardon. It is a law and more than a law. It has in some respects the same standing as the Constitution.

Mr. SHERLEY. Oh, the gentleman is mistaken as to that.

Mr. MILLER. I am not mistaken in that. The treaty is a law, but it is more than a law.

Mr. FITZGERALD. It is just common law.

Mr. SHERLEY. If the gentleman will read the decision of the Supreme Court in the Chinese exclusion cases he will find that that court expressly held that an act passed at a later date than the treaty could and did, if its terms so indicated, abrogate a treaty.

Mr. MILLER. I have great respect for the legal opinion of the gentleman from Kentucky, but I do not accede to that proposition of law.

Mr. SHERLEY. And that proposition I am sure is accurate.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER. Certainly. I do not care to be understood as saying that Congress can not repudiate a treaty.

Mr. FITZGERALD. It can amend it.

Mr. BARTLETT. And it can repeal it.

Mr. MILLER. But you can not compel the other party to accept it. We repealed the treaty with Russia a little while ago. We can repeal this treaty and take the consequences, but to do so is repealing existing law.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota whether he contends this treaty was not ratified by the Indians?

Mr. MILLER. It was ratified by the Indians.

The CHAIRMAN. Wherein does this violate the treaty?

Mr. MILLER. It is a repealing of one of the important provisions in the treaty, thereby changing a treaty and existing law.

The CHAIRMAN. The Chair would like the gentleman from Minnesota to call his attention to it.

Mr. MILLER. I should be pleased to do it. In the meantime I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, of course the old method of making a treaty with the Indians was under the Constitution. This is no longer a real treaty. Congress does this by act of Congress. If it were a treaty merely, it would be ratified by the Senate.

Mr. COOPER. Mr. Chairman, the Constitution itself makes a treaty a law, declares it shall be nothing but a law.

Mr. MANN. But this is not a treaty under the Constitution.

Mr. MILLER. The gentleman from Illinois very aptly and properly suggests the peculiar characteristics of a treaty between the United States and the Indian tribes.

Mr. MANN. In the old days a treaty between the United States and the Indians was ratified by the Senate as a treaty. Now it is done by an act of Congress as an act of Congress and not as a treaty.

Mr. MILLER. There is that difference. There is no question about that.

Mr. MANN. Of course it has the same effect. An act of Congress is just as binding as a treaty.

Mr. MILLER. Mr. Chairman, I will read to the Chair that portion of the treaty which is contained in paragraph 64, and the part to which I call especial attention begins about the middle of the paragraph.

I will read the first of the paragraph to have it clear before the House:

The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village, and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments.

That is the language which conveys by the Indians the cession. Mr. Chairman, it is not an act of Congress except to put upon the statute books a treaty. Now, if we should pass this act we have violated a direct obligation. There is no question about it, and a violation of an obligation, of course, incurs a claim.

The CHAIRMAN. Will the gentleman read the proviso on page 656?

Mr. MILLER. I will be glad to do so, but, Mr. Chairman, for the purposes of this discussion I do not consider the proviso of any importance, and I will state my reason——

Mr. SHERLEY. Read it, so the committee will understand it.

Mr. MILLER. The proviso reads as follows:

Provided, however, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such Territorial or State organization as may exist at the time when such conveyance is made.

Unquestionably that expresses a hope or a policy that at some time this park and this land shall be conveyed to the State of Oklahoma, but it does not convey it. It does not provide the machinery of conveyance and it does not say when. One of the things that first must be determined before the Government could convey it manifestly is a disposition upon the part of the State of Oklahoma to receive it and we have nothing of that kind before us. We can not convey a title to some one who can not or will not receive it. We might undertake it, but certainly it would not be a very good policy or be very effective, and the next paragraph but one, as well as the next paragraph, makes a confession that the State of Oklahoma does not want it, is not ready for it, will not receive it, because the astounding thing is conveyed here that it is to be put up to auction and sold to the highest bidder, which is in violation of both the letter and the spirit of the treaty. I will say to the gentleman that I think it is not improper that this should be conveyed at some time to the State of Oklahoma, but not until some provision is made by the State to accept it and care for it in accordance with the provisions of the treaty.

Mr. SHERLEY. Mr. Chairman, if the Chair pleases, the question before the Chair is the particular paragraph read, and not what follows after in the bill; neither is there any question as to whether the State will or will not accept the conveyance. The very act to which the gentleman refers contains in it a proviso indicating the right and the intention in pursuance of the very act to make conveyance of this property, and therefore, on the question of it being in order, we maintain that manifestly the act creating it contemplates its conveyance and it was left to the discretion of Congress when to make such conveyance.

Mr. MILLER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MILLER. Of course, Congress has the power to convey, but can it be done on an appropriation bill?

Mr. SHERLEY. That is the question here. If it is authorized by law, it can be on an appropriation bill, and that is the whole question at issue.

Mr. NORRIS. Will the gentleman yield there for a question?

Mr. SHERLEY. Certainly.

Mr. NORRIS. Does the gentleman contend that under the proviso as read the land could be conveyed to the State of Oklahoma without legislation by Congress?

Mr. SHERLEY. No.

Mr. NORRIS. Then, if it takes legislation, does it follow that it could be done on an appropriation bill?

Mr. SHERLEY. Money can not be paid out of the Treasury except by an act, but whenever there is an authorization for a particular purpose it is in order on an appropriation bill to make an appropriation.

Mr. NORRIS. This is not an appropriation. Is it not legislation?

Mr. SHERLEY. But it is legislation authorized.

Mr. NORRIS. Of course, it is legislation authorized. We have the right under the Constitution to provide for the building of another public building, but if you put it in an appropriation bill it would be legislation just the same—legislation that Congress could make, but not under an appropriation bill.

Mr. SHERLEY. But the gentleman is mistaken in his premise that legislation is not in order on an appropriation bill.

Legislation that is authorized is in order, and is carried right in this bill in a number of instances in which we are legislating, but we are legislating in accordance with existing law.

Mr. STEPHENS of Texas. I desire to call your attention to one matter in this item of the bill. This land belonged originally to the Choctaw and Chickasaw Tribes of Indians. In 1802 it was determined to allot this land among these Indians individually. The tribes made a treaty with the United States providing for that purpose. That is the treaty and the law referred to in the bill and in the act cited here. That act required these Indians, after the matter had been submitted to them, to ratify it by an affirmative vote before it became a law. That was done, and the treaty became a law. Now I find this language in this bill, viz:

All of the land comprising the Platt National Park in the State of Oklahoma is transferred and title thereto vested in the State of Oklahoma.

That is in the last lines of this paragraph to which we are objecting. How is it possible in an appropriation bill to divest a title out of the United States and vest it in the State of Oklahoma without violating the rule against legislating on an appropriation bill? How would it be possible, without legislation, to force Oklahoma to take a title to this park? Would it not require legislation to do so? This is clearly legislation on an appropriation bill, and this provision is not germane to anything in the bill, and, on both grounds, the point of order should be sustained.

Mr. MILLER. If the gentleman will just permit me to summarize what I was trying in a disconnected way to present to the Chair, I will say that I agree with the gentleman from Kentucky [Mr. SHERLEY] that the proviso in the paragraph contemplates legislation of this character. I agree with the gentleman if legislation of this character had occurred an appropriation would be in order on the bill. But surely it can not be contended that where there is an existing law that simply contemplates future legislation that legislation can be made on an appropriation bill. It must be brought before the House and treated like any other piece of legislation, as such. Now, Mr. Chairman——

Mr. SHERLEY. Will the gentleman permit an inquiry?

Mr. MILLER. Certainly.

Mr. SHERLEY. What rule can he state, of the rules of the House, that prevents legislation on an appropriation bill that is not changing existing law?

Mr. MILLER. This is changing existing law. There may be at some time some legislation on this subject. There may be legislation on a million subjects. There may be legislation conveying this park to the State of Kentucky. There probably will not be, but there might be, and there might be legislation of a thousand different kinds upon a thousand different subjects, but it would not be in order on an appropriation bill.

Mr. SHERLEY. We pass here bills authorizing the doing of a particular thing in the future, just as this act authorizes the conveyance in the future. Now, does the gentleman contend because the existing law that authorized the thing being done did not at that time do it, that therefore it is not in order in an appropriation bill to do it now?

Mr. MILLER. I will ask the gentleman, in reply, this question: Is this provision anything more than an expression of policy that is reserved for the United States to follow?

Mr. SHERLEY. Yes; it is an authorization.

Mr. MILLER. An authorization from whom?

Mr. SHERLEY. An authorization to the Government to convey.

Mr. MILLER. I do not think it is anything more than a policy, and nothing except this: If the United States Government ever does see proper to pass legislation of this character, the Indians will not have a claim against the Government.

The point I desire to make, Mr. Chairman, if I may summarize it in a few words, is this: While that proviso in a few words is a declaration of policy that legislation can subsequently be had and will not create a claim against the Government, yet to do so here is legislation making a change of existing law. It never did authorize specific legislation disposing of the entire subject on an appropriation bill.

Mr. MANN. Mr. Chairman, the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order.

Now, what is the existing law? Under the existing law the title to this park is in the United States, with an understanding or agreement provided by law that it may transfer the title to the State of Oklahoma. But under the law now existing the title is in the United States. It requires law to change that title; it requires a change of existing law to change that title, because under the existing law the title is in the United States, with authority under the law, which it would have without regard to the law, to transfer the title. But the very purpose of the provision in the bill is to change existing law, putting the title in the United States, and transferring the title to the State of Oklahoma.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. FITZGERALD. A transfer of title is not a change of law.

Mr. MANN. It can only be done by law.

Mr. FITZGERALD. The law provides that the title shall either be in the United States or in the State of Oklahoma.

Mr. MANN. The purpose of this paragraph is to change the title by act of Congress. That is law.

Mr. SHERLEY. You change the title to money when you appropriate it.

Mr. MANN. No; you do not change the title to money by an appropriation. You authorize the expenditure of money in the Treasury by an appropriation.

Mr. SHERLEY. You may or you may not. You may actually give the money to the individual.

Mr. MANN. You said it is a transfer.

Mr. COOPER. Mr. Chairman, will the gentleman permit me to ask him a question that has just occurred to me?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Certainly.

Mr. COOPER. In order to transfer the title to land, as between private individuals, there must be an acceptance, either actual or constructive, of the deed, or else there will be no transfer of title. Now, as the gentleman has said, the title to this land was acquired by treaty from Indians and is in the Government of the United States, and it is utterly impossible for the Government of the United States to transfer it to the State of Oklahoma unless there be an acceptance by that State.

Mr. MANN. I quite agree with the gentleman that not only is the purpose of this amendment by law to transfer the title, but if enacted it could not transfer the title unless the State of Oklahoma accepts it, because we have not the power to make the State of Oklahoma accept the title.

Mr. CULLOP. May I interrupt the gentleman there?

Mr. MANN. Certainly.

Mr. CULLOP. Is not the situation this, that now by law the title to this property is in the United States, and in order to divest itself of the title it must pass an act authorizing it to be done?

Mr. MANN. I think that is right.

Mr. CULLOP. And if a Government official should attempt to convey this property without such an act passed by Congress the conveyance would be absolutely void.

Mr. MANN. We have no method that I know of of transferring title to anything except under and in accordance with the provisions of law, either between individuals or between governments.

Mr. SHERLEY. That is true; but it is equally true with respect to any money in the Treasury, and we transfer title to it by an appropriation.

Mr. MANN. We do not transfer the title to the money. We authorize the expenditure of the money.

Mr. SHERLEY. We do more——

Mr. MANN. That is an appropriation. It has always been construed that this provision of the rule with reference to changing law does not affect the question of appropriation. Now, the very purpose of this provision is to change the existing law. There can be no other purpose in it. I wish it were in order. I should like to see the title transferred to the State of Oklahoma, but I do not think it worth while to violate the rules in order to do it.

Mr. COOPER. Mr. Chairman, I desire to say just a word on this. If this provision is enacted into law, it will be an absolute nullity taken alone, because the mere executing of a deed by a grantor does not transfer the title to the grantee. To transfer title requires acceptance, either actual or constructive, by the grantee. In this case there is no acceptance nor any offer to accept.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. COOPER. Please first permit me to finish what I am saying. Here is an attempt by the Government of the United States, the owner of real estate, to transfer title to the State of Oklahoma. The language of the paragraph is—

The title is hereby transferred and vested in the State of Oklahoma.

But the title would not be transferred to nor vested in the State of Oklahoma by merely enacting this paragraph into law. In other words, standing alone and by itself it would accom-

plish absolutely nothing. Therefore we must consider it in conjunction with the next paragraph—as impliedly a part of it—and then it is clearly subject to a point of order.

Mr. SHERLEY. If the gentleman will allow me, is he not confusing the wisdom and the effectiveness of the provision with the parliamentary question? The Chair is not concerned as to whether you are making a good conveyance or not, so far as the point of order is concerned. That may come properly when you consider the merits.

Mr. COOPER. Mr. Chairman, I am simply saying that if nothing is to be done except enact the pending paragraph into law, then nothing will be done. On its face the paragraph is without meaning. There is no way in which the Government of the United States can force this title by this statute upon the State of Oklahoma. The State of Oklahoma has never agreed to accept it, and this paragraph, if made a law by Congress, would be a mere brutum fulmen.

Mr. HAMILTON of Michigan. Perhaps the gentleman from Wisconsin can remove the difficulties that I have in putting a construction on what he is saying. Take the case of the creation of a State out of a Territory. There is a large amount of public lands in the Territory. The Government conveys and gives to the State about to be created out of the Territory a large area of land.

Mr. MANN. We give the title because we have the power to create the State.

Mr. COOPER. The Government has all the title there is.

Mr. HAMILTON of Michigan. We pass an enabling act by virtue of which the Territory may become a State. The gentleman says there must be an acceptance. I have been wondering what must be the equivalent of an acceptance.

Mr. COOPER. It has not been the practice to take the title from an Indian tribe and then by statute arbitrarily give the title to the State, without something from the State in the way of an acceptance.

Mr. HAMILTON of Michigan. I am inclined to agree with the gentleman as to that, but the broad proposition which the gentleman laid down about a conveyance by the Government of public lands, and the suggestion that it could not be done without some acceptance by the State grantee or the Territorial grantee, raised the question in my mind as to what acceptance, constructive or otherwise, there might be in the case suggested.

Mr. MANN. I think the gentleman has in his mind the creation of a State out of a Territory. We create the State, and when we transfer to the State the title to school sections or other land, that is an act of Congress vesting title in the State, because the State is our creature.

Mr. HAMILTON of Michigan. Oh, no.

Mr. MANN. Under the Constitution it is.

Mr. COOPER. But the Territory does not become a State without a ratification by it of the enabling act and the acceptance of the conditions imposed in it.

Mr. HAMILTON of Michigan. We have set aside reservations and given them to a State without any acceptance, express or implied, by the State, as I recall it.

Mr. COOPER. That may be very true, but there was an acceptance afterwards which conveyed the title. What I am saying is that this individual paragraph by itself, if enacted into law, would not convey the title to Oklahoma.

The CHAIRMAN. It seems to the Chair that the point in this case is whether the paragraph changes existing law. The law is not, in the opinion of the Chair, changed by the paragraph. It simply conveys the title, which Congress has the power to do under the law cited in the paragraph, and therefore the Chair overrules the point of order.

Mr. MILLER. Mr. Chairman, I move to strike out the paragraph, and I desire to say a few words on the merits of the proposition. While the Platt National Park is not the most important spot, it is one of the most important spots on the American Continent. I am astonished that the gentlemen should bring in this proposition in the sundry civil bill. I do not care to criticize so great and important a committee, composed of such magnificent Members of the House as it is, and yet I can not but feel that they have usurped their jurisdiction in a very material way. If there is to be considered by this House legislation transferring this park, it should come from the Indian Committee of the House, and yet I will waive that.

Mr. FITZGERALD. What jurisdiction has the Indian Committee over the national parks?

Mr. MILLER. No more jurisdiction over them than the Committee on Appropriations has over this paragraph just read.

Mr. FITZGERALD. But the Chair has held it in order, which demonstrates that it has jurisdiction.

Mr. MILLER. If we are going to proceed on the merits of the case of transferring it from the Government to the State of Oklahoma, it is a question that the Indian Committee should handle. As far as the appropriations are concerned for these parks, while they belong to the United States, that is a matter entirely within the jurisdiction of the Committee on Appropriations.

Mr. FITZGERALD. But that jurisdiction was invaded last year by the Committee on Indian Affairs.

Mr. MILLER. We did not make any appropriation.

Mr. FITZGERALD. The Indian appropriation bill carried an appropriation for a sewer.

Mr. MILLER. But that was in connection with an Indian matter.

Mr. FITZGERALD. Not at all.

Mr. MILLER. The gentleman will understand that there are two phases to that question. I do not think we can conserve any good purpose, however, by quibbling about the details. I want to call the attention of the House to the circumstances surrounding this Platt National Park. It is only 640 acres, but it is 640 acres of the most picturesque, the most healthful, the most interesting, the most delightful, the most valuable spot in the entire Southwest. It cost us to purchase it a round million dollars. We now propose to give it away to somebody who does not want to take it because they are not in a position to handle it. Are we to transfer the title to property for which we paid a great sum of money to somebody or anybody, whether they will take it or not?

Now, the point I would like to have the gentlemen of the House understand with reference to this property is that it is not a park in the general sense of the term, for the pleasure and beauty of its scenery, and so on; it is a famed spot of the Southwest, having the greatest mineral springs, probably, on the American Continent. The sulphur springs of French Lick are of minor consequence in importance and value to the sulphur springs at this spot.

Mr. MANN. The State ought to be glad to get them.

Mr. MILLER. That is so if we turned them over at the right time. In addition the bromide springs have been pronounced by medical and expert scientists to be the finest on earth. The value of these springs is a thousandfold greater than all the other parks, so far as I know, notwithstanding their beautiful scenery, to the American people and the United States. I will agree that the United States Government can well afford to transfer this park to the State of Oklahoma if Oklahoma were in a condition and ready to receive and care for it.

Why, Mr. Chairman, we hear vastly about conservation. Gentlemen are so concerned in conservation that if a poor homesteader wants to get 160 acres on a desert or in the woods we try to circumscribe him by rules and laws that make his life a hardship, and I have heard gentlemen speak of such a one here as almost to call him a pirate and a thief, because he was presuming to get some of Uncle Sam's property. Here you propose to turn around and give away this most valuable possession.

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

Mr. MILLER. Mr. Chairman, I would like a little more time. I ask for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MILLER. If conservation means anything, it means keeping to the Government that which belongs to the Government if it be of commercial or property value. I maintain that the sulphur springs and the bromide springs in this park are commercially valuable beyond any similar property in the United States. Mr. Chairman, if the Government cared to do it, wanted to do it, and could, it might go into the business of bottling up water from this spring and selling it at every drug store and on every train in America, and getting a large revenue from it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman tell us why we are asked to dispose of the property? Is there any reason for it?

Mr. MILLER. Mr. Chairman, I have never heard any reason given excepting an indisposition on the part of some of the Members of the House, and perhaps of the Senate also, to bear the burden of maintaining it at present.

Mr. MOORE of Pennsylvania. How much is the burden of maintenance?

Mr. MILLER. I do not know. The chairman of the committee can tell us in a word. There is maintained there at

present a keeper, and I think an assistant or two—probably a very few thousand dollars.

Mr. MANN. Eight thousand dollars for this year.

Mr. MILLER. Eight thousand dollars for this year—an insignificant sum. I want to say one word further in respect to this. Gentlemen know full well that the State of Oklahoma can not and will not accept title to this property at the present time.

Mr. HAMILTON of Michigan. Will the gentleman state why not?

Mr. MILLER. How can the State of Oklahoma have machinery arranged at the present time to forthwith take this? She might be willing to do it if you gave time for a commission to be appointed and proper proceedings to be taken, but forthwith to throw into her lap a park like this without any machinery on her part to take care of it——

Mr. HAMILTON of Michigan. Is not her lap large enough and receptive enough to take a million dollars' worth of property?

Mr. MILLER. If it was immediately remunerative, perhaps it would be.

Mr. HAMILTON of Michigan. But the gentleman suggests something about constructing hotels and resorts in that vicinity.

Mr. MILLER. But it takes time and costs money to build them.

Mr. HAMILTON of Michigan. But it would be forthcoming.

Mr. SAMUEL W. SMITH. If it is so valuable, why does not the Government sell it to somebody?

Mr. MILLER. In the first place, it would be a direct violation of the treaty. My observation is that these springs, to be made valuable, ought to be in the possession of the United States, and they should be handled so that the people of the country can enjoy them and get the beneficial results of them, or else they should be sold to private individuals for proper handling. I understand it has been proposed to construct a sanitarium at this place. The climate is healthful, it is much cooler than the surrounding portions of the Southwest on account of its elevation and the general direction of the wind, and the wind blows hard down there. It has a salubrious climate, and it is a delightful spot. It would make an ideal spot for convalescing patients, such as our soldiers who come from service in the Tropics, and I understand it has been seriously contemplated to establish a sanitarium at this place by the Government for such convalescing patients. I do not urge or ask for that. I am simply stating that that was one of the ways in which it was thought at one time or another this might be used.

But apart and aside from that, it seems to me incredible that gentlemen would propose here to hurl chunks of ice upon the most cherished and loved object of two of the greatest Indian tribes in the United States. We begged of these Indians to make this treaty of 1902. We got on our knees and supplicated them to do it. We went further, we bribed them to do it, and I will not take back the words. One of the things that they tenaciously clung to was this spot, that has been hallowed by their ancestors, that is dear to them on account of its traditions, that is valuable to them on account of its health-giving properties, and it was agreed that this must be preserved in their midst, in order that their children and their children's children might have the benefits of it, and they made us agree that the United States Government shall maintain this spot for that purpose in their midst, sacred and reserved, or that it shall be turned over to the State of Oklahoma, which in turn shall carry on the same work.

Mr. SAMUEL W. SMITH. The gentleman says that it would be a violation of the treaty to sell it. Would it be a violation of the treaty to give it away?

Mr. MILLER. I have tried to so convince the Chair, but was not successful. I sincerely trust that gentlemen will not oppose this amendment. I am serious about this. I will say that if this will receive careful consideration I think there will be no objection on any side to effectuating the object so desired, but it can only be done after a careful investigation and after a conference with the State of Oklahoma, its officials, and provision made by the State of Oklahoma to accept it.

Mr. NYE. I understand it is conceded here that the title to this park property is in the United States Government?

Mr. MILLER. That is true.

Mr. NYE. Now, there is a recitation in the act which my colleague read that it is the intent hereafter to convey to Oklahoma.

Mr. MILLER. Well——

Mr. NYE. Does that create any obligation on Oklahoma, or have we any right to compel conveyance?

Mr. MILLER. I will say to my colleague it simply is an expression of policy that the United States Government shall convey it at some future time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, there are in this alleged national park about 800 acres. The gentleman from Minnesota says it is one of the most desirable places in the Southwest. For some people it is a very remunerative gold mine. It contains certain so-called mineral springs. According to those living in the town of Sulphur Springs, drawing a livelihood from the sick and infirm, these springs have medicinal properties; the waters will cure every ill to which man is heir. Three years ago residents, physicians from the town of Sulphur Springs, appeared before the Committee on Appropriations and described the marvelous properties of these springs; that a woman 80 years of age, having used crutches for 20 years, came to Sulphur Springs one evening, went to the spring, took a draft of water, and the next morning leaped into an automobile and rode away. Persons suffering from insomnia, unable even to take a nap upon a train, however fatigued they might be from travel, would go to Sulphur Springs, take one or two drafts of water, and then fall into sweet and sound slumber from which not even the trumpet of Gabriel would awaken them. It made no difference what the person was afflicted with, one or two drafts of these sulphur waters, as set out in the prospectuses of the residents of Sulphur Springs who are maintaining sanitariums there, would put a person in most perfect health. The fountain of perpetual youth has at last been found, according to these assertions, and those who journey to Sulphur Springs can live on indefinitely. There is a stream running through——

Mr. HAMILTON of Michigan. Are there any graveyards in that vicinity at all?

Mr. FITZGERALD. There are not any graveyards; nobody ever dies who drinks the bromides or sulphur waters of those springs.

A stream of water runs through these 840 acres of land, and the town of Sulphur Springs is located on its borders. Its inhabitants, formerly having their homes within the park and having them bought by the Government under a permit from the Department of the Interior, take water free of cost from this stream and sell it to the people of Sulphur Springs.

The town has emptied its sewage into this so-called national park, and after failing for years to obtain funds from the Committee on Appropriations with which to build a sewer through the park, the Committee on Indian Affairs, in the Indian appropriation act for the current year, carried an appropriation of $17,500 to defray half the cost of building a sewer through this national park for the disposition of the sewage of the town of Sulphur Springs. It now appears, however, that if this sewer is built the Government will find, when it reaches the boundary of the park, that some private individual owns the property on the other side of the line and is insisting that if any attempt is made to build this sewer and empty this filth upon his land he will appeal to the court to protect him against the defamation that will result. Hence it is now asserted that, having arranged to have the Government pay $17,500 for the purpose of paying half the cost of building this sewer, the Government must appropriate about $35,000 to provide septic tanks into which this sewage may be emptied, because it will be——

Mr. MILLER. Will the gentleman yield? As I recall, the gentleman stated a few moments ago the Committee on Indian Affairs assumed jurisdiction of this and appropriated——

Mr. FITZGERALD. Well, it did; it assented to the Senate amendment, which appropriated $17,500 as half the cost of building this sewer.

Mr. MILLER. I will ask the gentleman if that amendment was not offered on the floor of the House when the Indian appropriation bill was up? The Indian Committee never assumed jurisdiction.

Mr. FITZGERALD. If the gentleman had resisted the amendment, it would not have been adopted. But in view of the fact that one of these gentlemen was a Representative from the State of Oklahoma, it is apparent how little chance the House had to be represented as it should have been.

Now, here is the situation. They are taking water that belongs to the United States and making a profit out of it. They are asking the United States to defray the cost of their sewage system. The town is existing on the profit it makes out of the advertisement of these waters and the accommodations of persons coming to be benefited by them.

The CHAIRMAN. The time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that my time be extended two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. In no sense whatever is this a national park, and the committee believed it should be turned over to the State. It was induced to do this because another situation developed. We have the Hot Springs in Arkansas. Great expenditures have been made there, and this year the committee was asked to appropriate $642,000, most of it to provide ample sewage facilities for the town, and the balance to erect new bathhouses to be conducted by the Government. The committee believed that when these sulphur springs are so extensively advertised and developed as the Hot Springs in Arkansas have been, it is most desirable that the United States should as quickly as possible be relieved from the obligation of maintaining these health sanitariums.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. STEPHENS of Texas. Is it not a fact that the United States has been paying more than half—in fact, all—for the building of the sewer system in the city of Hot Springs, Ark.?

Mr. FITZGERALD. Oh, there is a different system there entirely. They have been appropriating the revenues, which I think amount to about $40,000 a year.

Mr. STEPHENS of Texas. Are we not paying half the expenses of the sewage system of this city?

Mr. SHERLEY. And that is because the sewerage was on Government property, but here we are asked to take care of the sewerage of a town off the reservation.

Mr. FITZGERALD. And contributing this park, without any resultant benefit to the Government or to the park. In 1909 Congress appropriated $14,000 to construct this sewer, and it was utilized for some other purpose.

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

Mr. FITZGERALD. I yield to the gentleman.

Mr. NYE. Does the gentleman consider it a pressing necessity for the Government to get rid of this?

Mr. FITZGERALD. I do. The more quickly the Government gets rid of this the better it will be for it.

Mr. NYE. Why was it so anxious to get this from the Indians?

Mr. FITZGERALD. It was not anxious to get it. I served six years on the Committee on Indian Affairs, and I know something about the way in which Indian treaties were formerly negotiated and the way in which they were ratified by Congress. Very frequently the Government was put in the attitude of seeking to obtain certain concessions from the Indians that everybody who had any information about resisted, and knew would be very detrimental to the Government.

Mr. MILLER. Does the gentleman from New York think it would be better procedure and better business to defer this proposed transfer until the State of Oklahoma has manifested its capacity and willingness to accept it?

Mr. FITZGERALD. There is no indication and no evidence that the State of Oklahoma will not take this park. It has taken everything else it could separate the United States Government from in the way of lands and money. And I can not assume that it will refuse public lands or public moneys when tendered to it by the Government.

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

Mr. MILLER. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more, so that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Is there any way by which the State of Oklahoma could accept a title to this, other than by act of its legislature?

Mr. FITZGERALD. None. It is not customary for either States or individuals to accept gifts before they are tendered to them. We propose to tender the gift, and we feel quite certain the State will not only accept it, but will leap at the opportunity to take it.

Mr. MILLER. Can the gentleman advise the House when the Legislature of the State of Oklahoma will next be in session?

Mr. FITZGERALD. No.

Mr. MILLER. Will it not be two years?

Mr. FITZGERALD. The people will have plenty of time to consider this proposal and investigate the wonderful merits of the springs and the remarkable value of the property.

Mr. MILLER. Where is it proposed that the title of this property will be floating in the ensuing two years, pending the action of the State of Oklahoma? Would it go ad coelum—to the heavens?

Mr. FITZGERALD. I will state to the gentleman that that question need not be troublesome, even if the Legislature of the State of Oklahoma is not now in session.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that, in my judgment, the motion of the gentleman from Minnesota should prevail.

I do not think this House should incorporate in this bill a provision vesting the title of the Platt National Park in the State of Oklahoma, and at the same time divesting the Government of the United States of the title to this park, investing the State of Oklahoma with it, without the knowledge or consent of the State of Oklahoma. The Representatives of the State of Oklahoma were present last year when this matter was under discussion, and——

Mr. KENDALL. It now seems to be the purpose of the Committee on Appropriations, in passing this park on to the State of Oklahoma, to do it in the absence of the Oklahoma Representatives.

Mr. STEPHENS of Texas. That seems to be true.

Mr. FITZGERALD. But, Mr. Chairman, we can not postpone the consideration of this bill to suit the convenience of Members of Congress. This is public business.

Mr. STEPHENS of Texas. Would it not be necessary to get the consent of the State of Oklahoma before giving the State this park? How do we know that they will accept it?

Mr. FITZGERALD. I think it would be advisable to get it.

Mr. STEPHENS of Texas. This provision forces the State of Oklahoma into an awkward position, and I hope, therefore, that the amendment of the gentleman from Minnesota will be adopted and this unjust provision stricken from the bill.

Mr. Chairman, by act of Congress and with the approval of the Indians this land became the land of the National Government, to be used for the purposes of a public park. It was found to be a very valuable health resort, and many people from the whole southwestern country visited this place to use its mineral waters. The State of Oklahoma is not able to take care of that park as it should be cared for, for the reason that nearly all the land in the territory of the old Five Civilized Tribes is nontaxable. Under a recent decision of the Supreme Court it is declared that not one cent of tax can be collected on much of that land. The State has to build, and is building to the best of its ability, courthouses and jails and schoolhouses and a capitol building. That State is new and in debt, and it has not the money to take care of this national-park burden. Under the present circumstances I am certain it would be impossible for this State to take on this additional burden. The United States now has this property and obtained it under an agreement and solemn treaty with the Indians to maintain it as a national park. Therefore I think that the Government should hold this park until some legislation could be passed that would be satisfactory to the town of Sulphur and the State of Oklahoma. Their Congressmen should be heard on this floor on this important subject before we act.

Mr. SHERLEY. Mr. Chairman, there is some reason why we should proceed with some rapidity in the disposal of this park, and that is we had a somewhat bitter lesson taught us last year on the Indian appropriation bill as to what it will cost to keep it. If it means that we have to construct for the benefit of the municipality of Sulphur a sewerage system because that town is unable or unwilling to perform the duties of a municipality, we should understand that fact and act accordingly.

There has been before the Committee on Appropriations ever since I have been a member of that committee a proposal to get this sewerage system there. It never got any farther than a proposal with either the Democrats or Republicans in that committee, because in my judgment and in the judgment of everybody else that considered it, it had no equity under the sun. And yet all of a sudden it turned up as an amendment to the Indian appropriation bill, put on in the Senate and agreed to by the House conferees.

If this park, under the present circumstances attending the consideration of that bill, is to have constant appropriations made in the Indian appropriation bill, I think we had better get rid of it in some sort or other in a hurry. There is no reason in the world why the treaty with the Indians should not be carried out. The very terms of that treaty, the very terms by which it became in order on this bill to propose this provision, contemplates the giving of that park to the State of Oklahoma.

I hear a great deal of talk on this side of the House about State rights, but I hear precious little about State duties. They are always willing to talk about State rights when they want to prevent something being done, but they are never willing to assume the obligations of State sovereignty. It is a poor rule that does not work both ways. We should give this park to the State of Oklahoma, and if the people of that State have not enough State pride to take it, we ought to be informed of that fact. It ought not to be made the excuse for getting money out of the Treasury of the United States to take care of the municipality of Sulphur.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Minnesota [Mr. MILLER].

The question was taken; and on a division (demanded by Mr. MILLER) there were—ayes 8, noes 35.

Accordingly the amendment was rejected.

The Clerk read as follows:

If the State of Oklahoma shall fail or refuse to accept the Platt National Park as herein authorized to be conveyed to it from the United States, the same shall be appraised and sold either by sealed proposals for the purchase of the same or by public auction, after advertisement of the sale for such time as in the judgment of the Secretary of the Interior the public interest may require, the proceeds of such sale, after payment therefrom of the expenses of making the same, to be covered into the Treasury as miscellaneous receipts.

Mr. MILLER. I make a point of order against the paragraph as a change in existing law; and if gentlemen have not forgotten the arguments they made in resisting the point of order to the preceding paragraph, I apprehend they will have to concede that this point of order is well taken.

The CHAIRMAN. Does the gentleman from New York care to be heard on the point of order?

Mr. FITZGERALD. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

The appropriation of $17,500, made in the Indian appropriation act for the fiscal year 1913, for construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, is repealed.

Mr. MILLER. I make the point of order against that paragraph as a change of existing law.

Mr. MANN. Is not this good under the Holman rule?

Mr. MILLER. No; this is not to decrease the amount of the bill. This is changing the appropriation of a year ago.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MANN. Just a moment. I believe it is admitted that the Committee on Appropriations has jurisdiction over this park and over appropriations made for the maintenance of the park, and would have jurisdiction over the appropriations for a sewer in the park. Now, the provision of the Holman rule is:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The CHAIRMAN. Does the gentleman maintain that the Committee on Appropriations has jurisdiction to legislate on the subject of sewers through a park?

Mr. MANN. Undoubtedly. The Committee on Appropriations has jurisdiction over all the expenditures in the national parks.

Mr. FITZGERALD. Oh, yes; this appropriation belongs to the Committee on Appropriations.

Mr. SHERLEY. There are any number of items in this very bill in regard to things of that kind.

Mr. MILLER. The gentleman has just said this is a sewer, not in the park, but in the city of Sulphur.

Mr. SHERLEY. Oh, no; it is in the park.

Mr. MANN. It is a city sewer through the park for the benefit of the city of Sulphur.

Mr. MILLER. I do not agree with the gentleman's conclusions.

Mr. MANN. It is a sewer through the park, no matter for whose benefit it may be.

Mr. STEPHENS of Texas. It was necessary that the sewer pass through the park.

Mr. MANN. Whatever the reason was, it was a sewer through the park. Now, the Committee on Appropriations is the only committee of the House that has jurisdiction over appropriations for the maintenance of national parks; and while it is true that this item slipped into the Indian appropriation bill by way of a Senate amendment, that does not change the jurisdiction of the House committees. So that it is within the jurisdiction of the Appropriations Committee in reference to appropriations for sewers, that the committee having jurisdiction has reported this item in the bill which does retrench expenditures.

Mr. STEPHENS of Texas. This is a repeal of the act of last year, and I desire to call attention to the hearing before the committee having this matter in charge, in reference to the $17,500 for the sewer in the city of Sulphur. Mr. Ucker, who was before the Committee on Appropriations, said:

In the Indian appropriation bill last year Congress appropriated $17,500 for a sewer when the city should raise a like amount. The city raised the money and deposited it with the disbursing officer of the department and he covered it into the Treasury, so that there is $35,000 available for this sewer.

This act has been carried out in part. I think this item is clearly subject to the point of order.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Illinois makes the point that this is in order under the Holman rule. The Chair will call the attention of the gentleman to the provision which he read. It does not apply to the bill. It applies to the power to amend the bill.

Mr. MANN. I did not discuss that part of the matter because it has been ruled several times by Chairmen on this same subject that that provision covered the item in the bill where the committee reporting the bill had jurisdiction of the subject matter. In other words, if this should be stricken out on the point of order now, and the Committee on Appropriations should immediately offer the item again and it should be held in order, the Chair will readily see that that would be a work of supererogation, and so the various Chairmen in the last few years have ruled that if the Committee on Appropriations, or the Committee on Military Affairs, or any other committee, had jurisdiction of the matter covered by the item in the bill as reported, they would have the same authority in that way as they would have by offering an amendment on the floor.

The CHAIRMAN. It does not seem to the Chair that the Committee on Appropriations has jurisdiction over this subject matter, and therefore the Chair sustains the point of order.

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

The Clerk read as follows:

Page 118, after line 22, insert the following:

"The appropriation of $17,500, made in the Indian appropriation act for the fiscal year 1913, for construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, is repealed."

Mr. MILLER. I make a point of order against it. The amendment read is in the identical language, word for word, as the item that went out on the point of order.

Mr. FITZGERALD. I did not catch the ground on which the Chair sustained the point of order. Do I understand the Chair sustained the point of order on the ground that the committee had no jurisdiction?

The CHAIRMAN. The Chair stated that, in his opinion, the committee had no jurisdiction to enact this legislation. It is legislation, and I do not suppose the gentleman will deny that it is. It is repealing a law, which it does not seem to the Chair that the committee has jurisdiction to do.

Mr. FITZGERALD. In order that there may be no confusion in the future, I wanted the Chair to state his ruling. The committee has jurisdiction of the items for the park, but the Chair puts his ruling on the ground that it has no jurisdiction to repeal the statute.

The CHAIRMAN. The gentleman is, of course, familiar with that portion of the rule dealing with change of existing law. It has been held that even for the Committee on Appropriations to construe a law is not in order, and certainly it can not be in order for the committee to repeal the law already enacted. The Chair sustains the point of order.

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, and for ice and stationery, the balance of which shall be paid from donations and other sources, of which sum not less than $1,500 shall be used for normal instruction, $60,000.

Mr. MADDEN. Mr. Chairman, I move to amend the item by striking out the figures "$60,000" and inserting the figures "$69,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 119, line 4, strike out the figures "$60,000," at the end of the line, and insert in lieu thereof the figures "$69,000."

Mr. MADDEN. Mr. Chairman, there was an estimate made of $9,025 for additions to the teaching force in Howard University which was not allowed by the committee. The item reads as follows:

Assistant, English	$600
Assistant, mathematics	750
Assistant, chemistry	600

Two assistants, at $300	$600
English teacher	1,000
History teacher	1,500
Instructor in English	500
Latin and French	600
Geography	600
Instructor in bookkeeping	500
Head of Clark Hall	1,000
Cashier	250
Music	525
Total	9,025

No part of this estimate has been allowed. The enrollment is 1,409, and 85 per cent of those are in actual attendance the whole year round. The enormous amount of work which the university is to-day doing can not be done with its present staff, and it seems to me that if we are going to maintain this institution it ought to be maintained at the highest possible standard. [Applause.]

It ought not to be maintained in such a way as to prevent it from doing the work which it was intended it should do. It is doing a first-class work. It is turning out men who are useful citizens of America. They are factors in the communities to which they go after they have received their education here, and the Congress of the United States should encourage in every way within its power the development of the institution and give to those who attend the institution the highest opportunities within its powers to receive the kind of education they ought to receive. The failure to appropriate is a source of great embarrassment to the institution, and I sincerely hope that the committee will agree to the adoption of this amendment.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from New York a question. I observe that there is no appropriation relating to Howard University for a new building.

Mr. FITZGERALD. My recollection is they requested a new building.

Mr. COOPER. I was about to ask the gentleman from New York if there was not an urgent appeal for a new building?

Mr. FITZGERALD. There was a request made, as I recall, for a new assembly hall, but the committee did not feel justified in recommending it.

Mr. COOPER. I regret that nothing of the kind has been inserted in the bill, because I have information upon which I rely from competent judges that there is a very great need for a new building.

Mr. FITZGERALD. Mr. Chairman, the committee considered very carefully the request made for this additional money for the teaching force and concluded not to recommend it. In 10 years the appropriations for the teaching have been doubled by Congress. Appropriations are purely gratuitous. I believe this institution is doing a very good work. I was quite instrumental a few years ago in obtaining an appropriation for an additional building known as science hall, but I believe that the appropriation recommended is adequate to enable the institution to continue its development. I have no doubt that from time to time as the necessity becomes greater Congress will give to the institution such sums as will be necessitated by the development of the work. Upon consideration of the request and from a knowledge of the conditions that existed the committee believes that $60,000 will be sufficient, together with the small additional sum available from the endowment, to adequately maintain the teaching force. There is no hostility to the institution. I think everybody feels friendly toward it and is anxious to have it maintained in proper shape.

Mr. MADDEN. Does not the gentleman think that a reduction of estimates from $69,000 to $60,000 is a source of embarrassment to the institution, and does take away the degree of efficiency which should be maintained there?

Mr. FITZGERALD. Not necessarily. Congress has rarely appropriated the amount requested for this purpose.

Mr. SHERLEY. The maximum amount that has ever been appropriated since 1903 is $60,000.

Mr. MADDEN. But after all, the gentleman from Kentucky and the gentleman from New York will not deny the fact that the institution is growing.

Mr. FITZGERALD. I think that it is not growing in numbers of students. I think it is at its capacity now.

Mr. SHERLEY. Mr. Chairman, I think this, and I am perfectly frank in saying to the gentleman that I believe the Congress of the United States can not afford to do other than be fair and liberal with Howard University. Yet I believe that its growth and increase has been infinitely greater in the way of income and appropriations than, for instance, the University of Virginia, where I went and received my education, which institution has been miserably poor and has struggled from year to year, although one of the greatest universities in America. I do think the committee has been liberal in its treatment of the university. There certainly has been no attempt on the part of any of us to discriminate in any degree.

Mr. MADDEN. I have not any doubt but that the committee recommended what was its best judgment. I have given some consideration to this question and have made some considerable investigations as to the needs of the institution. I am sincere in my suggestion that there surely ought to be something more than $60,000 appropriated in this bill, and I hope the committee will do what seems to me to be justice in this case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 10, noes 21.

So the amendment was rejected.

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

The Clerk read as follows:

Amend by inserting as a new paragraph, after line 4, page 119, the following:

"For assembly hall for use of university, $75,000."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order. Does the gentleman desire five minutes to discuss it?

Mr. KENDALL. Yes; to discuss the amendment.

Mr. FITZGERALD. I intend to make the point of order.

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

Mr FITZGERALD. I will reserve the point of order.

Mr. KENDALL. I desire to be heard briefly upon the amendment I have offered for the construction of an assembly hall at Howard University. It may possibly be the purpose of the committee to reject the proposition, as it did last year when it was advanced by the gentleman from Illinois [Mr. CANNON], but I impose upon the indulgence of the House to submit a suggestion or two which ought to be accorded serious consideration.

Mr. Chairman, I am persuaded that very few Members on this floor and, indeed, very few people in the country have any proper appreciation of the magnitude or the importance of the work that is being prosecuted at Howard University. The institution has invested in real estate, buildings, and equipment $1,300,000. It has annual revenues approximating $180,000, with annual disbursements aggregating the same amount. It has a faculty consisting of 132 professors and teachers, with an enrollment of 1,500 young men and young women, attracted from all sections of the country. It presents a curriculum as suitable and as comprehensive as that of any university in the country. Since its establishment in 1867 it has conferred diplomas upon about 4,000 graduates, who are now resident in every section of the United States, exerting an influence that can not be overestimated for the enlightenment, the education, the elevation of the colored race. Now, Mr. Chairman, what I have proposed here is the erection of an assembly hall for this institution. The Interior Department recommended this auditorium and submitted an estimate to the Committee on Appropriations. I quote now from page 540 of the Book of Estimates:

The only assembly hall of the university, with 1,500 students, is Rankin Memorial Chapel, which seats only 600. The increase in collegiate, academic, and industrial students so crowded the chapel last year that a large body of students could not be seated, interfering with the best discipline and order. There is no assembly hall for seating the people on special occasions, although Howard University is becoming more and more the center for the broader education of an entire race in educational, civic, and moral life. A plain and commodious assembly hall can be built in the natural amphitheater on the west side of the campus at moderate cost. The board of trustees regard the proposed building as indispensable.

That was the report that was submitted to the Committee on Appropriations by the Department of the Interior. Dr. Newman, the distinguished president; Prof. Parks, the excellent treasurer; and Prof. Cook, the efficient secretary of the university, all appeared and were examined as to the imperative necessity for the construction of this building. I quote from page 845 of the hearings:

The CHAIRMAN. The next item is for an assembly hall for university uses, $75,000.

Dr. NEWMAN. That is an item which is greatly needed because of the fact that the assembly of the students is the only place where we handle them for general purposes of conduct, admonition, rebuke, etc. The general officers of the university, of course, can not do that in the classroom, and at present we can only get about 600 of our students into our chapel, or a little over that; and where it is necessary to speak to them, as the secretary and I have to do constantly, about general conduct, we can not handle the whole body, and you know how, in a body of students, things grow unless they are corrected on the instant; consequently a large hall is deemed by the trustees absolutely necessary.

The CHAIRMAN. What kind of a building is this to be? Have you any plans or designs to submit? Who made this estimate?

Mr. COOK. The estimate was first made last year by the former president. He had some plans and was very well advised about it. You

understand we have no place even to hold a commencement. There is no kind of general meeting we can hold for Howard University unless we leave the campus and go outside. There is no place down town for us, because a good many places will not rent to a colored institution.

The CHAIRMAN. We want to know something about the character of the building you are to have and who made this estimate. What are you going to get for $75,000?

Mr. COOK. We would expect to have a large auditorium, with certain rooms in the front of it.

The CHAIRMAN. Has anything definite been done toward working out the character of building you are to have under this appropriation?

Dr. PARKS. President Thirkield had plans drawn by the architects and estimates made.

The CHAIRMAN. What was the building to be?

Dr. PARKS. An auditorium holding from 1,500 to 2,000 people, with some rooms on the front of it, and a rostrum.

The CHAIRMAN. What are the dimensions of the building to be as planned?

Dr. PARKS. I do not carry that information in my mind. I did not think it would be called for, and I do not know the definite figures.

The CHAIRMAN. You can get that information for us?

Dr. PARKS. Yes.

NOTE.—There is submitted herewith a letter from the architect. The sketch plans for the building have been sent to the committee rooms.

WASHINGTON, D. C., *February 8, 1913.*

HOWARD UNIVERSITY.

GENTLEMEN: Herewith please find sketch plans for assembly hall for the university. The building to be of brick, conforming to the new buildings recently erected at the university, with stone and terra-cotta trimming. The building would be fireproof up to and including the first floor. The interior would be finished in plaster, with wood floors generally, except that the corridors would be of tile; the woodwork to be of birch, the lighting to be with electricity, and the heating from the central plant now in operation.

I would estimate the cost of this building at $75,000.

Yours, very truly,

A. P. CLARK, Jr., *Architect.*

Mr. Chairman, the time has gone by, it seems to me, when the Government can afford to restrain its generosity toward this great institution. It ought to be our policy to extend it the most liberal encouragement, because it has been recognized by men who have had opportunity to inform themselves as a great school, conducted by great men, and rendering a great service. President Cleveland watched the university with much interest and commended it strongly. Here is what he said upon one occasion:

I have had occasion to become familiar with the work being done by the Howard University, and it meets my cordial approval.

The institution had an enthusiastic friend in President McKinley, and in a public address he said:

It would be difficult to exaggerate the excellent influence that is constantly being exerted by Howard University. I hope the people of the country may respond generously for its support.

President Roosevelt always manifested the most intelligent interest in the institution, and in one of his messages to Congress he said:

This institution has been devoted throughout its career to turning out men and women who should be teachers and helpers of their own people toward the higher life. Upon their leading and teaching much depends for their race and for their country.

It is unnecessary to say that since President Taft has been in the White House as Chief Executive he has had a more complete and intimate understanding of the school, of its promise, and of its performance than any of his predecessors, and he has been one of its most devoted adherents. He said:

This university offers to the colored race what it needs and without which it can not make advancement, to wit, colored leaders of thought in every profession, who shall lead the whole race onward and upward. Everything that I can do as an Executive in the way of helping along this university I expect to do. I expect to do it because I believe it is a debt of the people of the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. KENDALL. Now, Mr. Chairman, I had the honor last May to attend a banquet tendered by the alumni as a testimonial to Prof. George W. Cook, whom I am proud to consider my personal friend, upon the completion of the thirty-eighth year of his connection with this university as secretary and business manager. It was a most interesting occasion. I think I was the only white man present. I know I was the only man in that company who in his speech was limited to one language. There were 250 men there, lawyers, doctors, teachers, ministers, merchants, and bankers, from Massachusetts to Colorado, and from Minnesota to Texas, a splendid assemblage of men, and a powerful demonstration of the efficacy of the work that is being done at Howard University. [Applause.]

I was profoundly impressed with the school and with its possibilities. I have no hesitancy in asserting that if the people generally understood the results which are being accomplished in this institution, and the limitations which embarrass it, they would authorize double the appropriations for its support that are included in this measure. I resolved that if I had opportunity I would contribute whatever influence I may have to make possible its development and its prosperity in the great work in which it is engaged.

I have therefore presented this amendment which authorizes the construction of an assembly hall. At present no place is provided where commencement exercises can be held, and from 250 to 300 pupils are graduated each year. There is no hall in which the student body may congregate for any purpose, either for admonition, for instruction, or, as Prof. Cook said before the committee, for rebuke, which is sometimes necessary, I suppose, in educational institutions.

The Department of the Interior recognizes the vital and immediate need of this building, and so it sent to the Committee on Appropriations an estimate, accompanying it with plans, designs, and specifications, prepared by the architect, showing that a suitable and satisfactory structure could be erected for the sum of $75,000. In the circumstances, I earnestly hope that the committee will consent that my amendment may be attached to the bill, so that this splendid institution, a university that is not surpassed by any school on the Western Continent, may not be restricted in the possibilities for usefulness it ought to enjoy. [Applause.]

Mr. PAGE. Mr. Chairman, I do not care to discuss at any length either the institution or the amendment that has been offered by the gentleman from Iowa [Mr. KENDALL]. It has been already stated that the committee has been from time to time liberal with this institution, and there is not, certainly, in the committee or on the part of any Member of this House otherwise than a liberal feeling toward it. In this bill the committee has increased the appropriation $4,000 over the current law. And then it must be remembered, too, Mr. Chairman, that the appropriation carried in this bill for this institution is a gratuity after all, and its benefits are not confined even to the race which is American. The catalogue discloses the fact that there are a number of students from other countries who are receiving the benefits of the appropriation made by the Congress. The appropriation as it has been made, as it is carried in this bill, meets with the approval not only of myself but of everybody else upon the committee and upon the floor, I imagine. But as to the amendment offered by the gentleman from Iowa [Mr. KENDALL], the necessity, even, for this assembly hall was not sufficiently impressed upon the committee to warrant us in recommending it, although there was an estimate made.

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

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Penitentiary, Leavenworth, Kans.: For continuing construction, $100,000, to be available immediately and to remain available until expended, all of which sum shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary.

Mr. SISSON. Mr. Chairman, as to this item for the penitentiary at Leavenworth, Kans., how much more, I will ask the chairman of the committee, is supposed to be necessary to complete this work?

Mr. FITZGERALD. Nobody knows. The gentleman will recall that the committee has placed a provision in the bill which prohibits the construction of any additional building at either Leavenworth or Atlanta unless specific authority be granted by Congress. The official in charge stated that the amount of work to be done depended very largely on the amount of fees the architect seemed to desire for the year.

Mr. SISSON. The only reason I called attention to the item was for the purpose of bringing out the fact that it does not seem that we can ever complete these two propositions.

Mr. FITZGERALD. This should be stated, however, that the construction of these buildings has afforded the only means of utilizing the labor of the convicts, and it is regarded as highly essential that some form of labor should be provided for the men confined in prisons.

Mr. COX. The gentleman has touched on the very point that I wanted to inquire about, and that is this: Why that peculiar language, "all of which shall be so expended as to give the maximum amount of employment to the inmates of said penitentiary"?

Mr. FITZGERALD. There are no shops or other means of employment for the Federal prisoners at these penitentiaries, and it is essential to keep them occupied. One of the great problems of prison administration is to furnish employment to the inmates of the prisons, and they have been utilized as far as possible in constructing these buildings.

Mr. COX. To help construct these works?

Mr. FITZGERALD. Yes.

Mr. COX. The Government does not pay them anything while they are working?

Mr. FITZGERALD. No; it does not.

Mr. SISSON. Now, I will state to the gentleman that it is a fact that you have so much better discipline when the men

are employed; but, so far as I am personally concerned, I would like very much to see a system in vogue where these convicts can be used for some useful public works of some kind.

Mr. COX. On the highways?

Mr. SISSON. Either upon the post roads or upon the levee work that the Government is doing, and have the prisoners properly clothed and fed, instead of lying around these penitentiaries and having nothing to do except when they are put on some new addition to the penitentiary.

Mr. COX. At the Government expense.

Mr. SISSON. Yes.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

No additional building for any purpose whatever shall hereafter be commenced at any United States penitentiary except after authority or specific appropriation therefor shall have been granted by Congress.

Mr. MANN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. MANN. Apparently, under this provision they could not construct an outbuilding of any kind, even if it were in connection with the building work on the penitentiary. If you wanted to put up a shelter at some place, you could not do that without specific authority.

Mr. FITZGERALD. The object of this is to obtain information in advance. From year to year the Department of Justice requests Congress to appropriate. For instance, as in this case of the penitentiary at Atlanta, the department requests $175,000. The limit of cost of that building was $1,500,000, and we have already expended $1,515,000.

Mr. MANN. You do not need to appropriate for it if you do not want to.

Mr. FITZGERALD. But this is what happens: Each year the department comes to Congress and states that it has in course of construction a building, and it is impossible to tell what the cost will be and impossible to tell when some other building is to be started or where the end is to be.

Mr. MANN. Very well, if they need the building. If they do not, you do not need to recommend an appropriation for it.

Mr. FITZGERALD. Under the contract system with the architects they largely determine the amount of work that is to be done.

Mr. MANN. Well, I do not think the Committee on Appropriations is entirely under the thumb of the architects.

Mr. FITZGERALD. Well, ever since I have been a member of it, nearly eight years now, it has been absolutely helpless in regard to these buildings at the Federal prisons.

Mr. MANN. Here is the situation about it: In the first place, under this language if you should authorize the construction of a main building you could not put up a tool shed unless that was included specifically in the authorization. You could not put up a place to store anything in or a place to put cement in to preserve it from the weather unless it was specifically authorized. But, in the second place, until Congress makes some provision for giving work to the inmates of the penitentiary they had better be allowed to put up stone buildings, even if they have to pull them down after they have put them up, and then rebuild them. It is cruel to confine men without giving them anything to do. I would rather appropriate a little money now and then to give them some work to do, which they claim to be necessary, and which no one denies the necessity of, rather than keep them in confinement with nothing to do.

My recollection is that we have just recently passed a resolution for a commission—passed it in the House the other day—to visit the penitentiaries and make recommendations. There was such a proposition here.

Mr. BEALL of Texas. Mr. Chairman, I will state to the gentleman from Illinois that my understanding is that the gentleman from Tennessee some time ago called up a resolution looking to the formation of a commission; but my recollection is that it was not passed, unless it was called up a second time. I think it was objected to the first time it was called up.

Mr. MANN. It was called up a second time, and I think it was passed. I think we can afford to wait before we determine that these men shall not have anything to do. Therefore I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 121, by adding at the end of line 21 the following:
"No part of any money appropriated in this act under the Department of Justice shall be used for beginning the construction of any new or additional buildings at any Federal penitentiary."

Mr. MANN. I have no objection to that.

Mr. FITZGERALD. This will accomplish what we desire, and will not prevent the other thing.

Mr. MANN. That is true.

Mr. BEALL of Texas. In the preparation of this bill, did the gentleman from New York get any information as to how much had been paid to the architects at Leavenworth during the past year?

Mr. FITZGERALD. No.

Mr. BEALL of Texas. I will state that I was informed by the Department of Justice a month or six weeks ago that the architects who had charge of the improvements at Leavenworth had presented bills to the Department of Justice for approximately $30,000 for their services during the past year. Does the gentleman from New York remember the fact that the bill which passed the House last year contained a provision that not to exceed $3,500 should be paid to the architects for the year ending June 30, 1913? That was stricken out in the Senate and remained out in conference, and the architects for the Leavenworth prison presented bills for their services for the past year of $30,000, when the total appropriation for the buildings at Leavenworth contained in the last sundry civil bill was only $100,000.

Mr. COOPER. What were the "services"? Were they commissions?

Mr. BEALL of Texas. They were commissions. I will state to the gentleman from Wisconsin, if the gentleman from New York [Mr. FITZGERALD] will permit me, that in my judgment the architects for the Leavenworth Penitentiary have been collecting commissions upon work that they did for years while under an annual salary of $3,500. In other words, for years they received a salary of $3,500—from 1897 up to about 1908—and then the contract was changed and they were given a percentage compensation, and that percentage was calculated to a very large extent upon the work that they had already done under the annual salary allowance.

Mr. COOPER. Does the gentleman mean to say that while these gentlemen were Government employees, in receipt of a salary of $3,500 a year, they claimed commissions?

Mr. BEALL of Texas. I mean to say this: That about 1897 they were employed in connection with the Leavenworth Penitentiary, and prepared the preliminary plans and started the construction of that building now being constructed. They continued for 10 years or more upon that annual-salary basis, and then the contract was changed by the Department of Justice, and they were given 5 per cent commission upon the estimated cost of the construction at Leavenworth, but a large part of the architects' work had already been done before the new contract was made.

If the gentleman from New York [Mr. FITZGERALD] will permit me, I think the contract with these architects that the Department of Justice made in connection with the construction work at Leavenworth was absolutely indefensible. I have no doubt that these architects have received double compensation—the compensation at $3,500 a year for 10 years, or about that time—and then, since the contract was changed, they received their percentage commission for much work that they did while they were receiving annual compensation.

Mr. McKENZIE. If the statements that the gentleman from Texas has just made are true, are not these men liable to indictment for a criminal act?

Mr. BEALL of Texas. I do not know about that. The Department of Justice in about 1908 or 1909 changed their contract, and gave them compensation at the rate of 5 per cent upon the cost of all the work in progress at Leavenworth, and for several years they had been working upon that construction out there at an annual salary of $3,500 a year, and under the new contract they received this commission upon the cost of work that had been done while they were receiving a yearly salary.

Mr. FITZGERALD. Mr. Chairman, I do not know how much has been paid to the architects. Last year the committee went into the matter exhaustively, and in order to get control of the situation it is necessary to be in a position to know before the buildings are started what they will cost and what compensation will be paid for architects' services. The amendment now pending will, I think, bring the matter into such shape that the House will have the information and be able to control the situation.

Mr. COOPER. Is it the understanding of the gentleman from New York that this change of contract by which these architects would receive a commission was made retroactive, so that it covered a period when they were under a salary?

Mr. FITZGERALD. I have not looked that matter up.

Mr. COOPER. That seems to be the understanding of the gentleman from Texas.

Mr. FITZGERALD. The gentleman from Texas is chairman of the Committee on Expenditures in the Department of Justice and that committee conducted a very exhaustive investigation and is very familiar with all the facts in connection with the matter.

Mr. COOPER. It is a most remarkable thing if the change in the contract was made retroactive.

Mr. FITZGERALD. Everybody who has looked into it thinks it is a remarkable situation. The firm of architects in St. Louis has been collecting fees for the construction of two penitentiaries—one at Leavenworth, Kans., and the other at Atlanta, Ga.

Mr. COX. I would like to ask the gentleman whether or not the Attorney General allowed the $30,000?

Mr. BEALL of Texas. I have no facts on that subject. I requested the Department of Justice to advise me with respect to the claim presented by the architects in connection with the Leavenworth prison. They sent me a statement that verified what I had been informed of before, that at that time there was pending in the Department of Justice claims of the architects amounting to $30,000, when the entire appropriation for this year for the prison at Leavenworth was $100,000. They asked for $30,000 out of that $100,000 for that compensation for services as architects during this year. At the time this information was furnished the claims had not been paid, and I hope the department will refuse their payment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McKENZIE. Will the gentleman yield to me?

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word in order to give the gentleman from Illinois an opportunity to ask a question.

Mr. McKENZIE. I wanted to ask whether the gentleman knows if any part of the $30,000 has been allowed?

Mr. BEALL of Texas. I do not know. At the time the report was made to me it had not been, and I have no later information as to whether the account had been adjusted or whether any part of it had been paid. I will state that in my judgment the most extravagant and most extraordinary allowances have been made to these architects. Prior to this bill of $30,000 they have collected between $80,000 and $100,000 for construction work at Leavenworth and an equal amount on construction work at Atlanta.

Mr. McKENZIE. In my opinion the gentleman from Texas ought to pursue this matter to the final end.

Mr. BEALL of Texas. I intend to. I will state for the information of the gentleman from Wisconsin [Mr. COOPER] that this construction work began at Leavenworth about 1897 and 1898 upon a basis of an annual salary to these architects of $3,500. They began the work of construction there and proceeded for 10 years, and then there was a change in the contract, and under that new contract they were given compensation upon a basis of 5 per cent, I think it was, upon the cost of construction then in progress at Leavenworth, when a large part of their work had been done during the years when they were receiving compensation of $3,500 a year.

I called the attention of the House to it last year end endeavored to correct the situation by an amendment limiting the expenditures during this year to $3,500. I really supposed that, because of payments previously made, there would not be any considerable amount claimed by the architects under the contracts for this year, but I received information from Leavenworth that there was a bill for $30,000 before the Department of Justice in behalf of these architects.

I made inquiry of the department and that information was confirmed by the statement and they gave me the items. The bill that was presented claimed $30,000 out of a total appropriation of $100,000, leaving only $70,000 to be used for actual construction if these excessive fees are paid.

Mr. MANN. The gentleman has the items, and why not put them in the RECORD?

Mr. BEALL of Texas. Mr. Chairman, I have not the items immediately at hand, but, with the permission of the committee, I will be glad to insert them in the RECORD at a later date.

Mr. FOSTER. Mr. Chairman, does the gentleman state that after 10 years under contract at an annual salary they were then given another contract which gave them 5 per cent upon work that was done while the first contract was in force?

Mr. BEALL of Texas. I do state that as a positive fact. They served for $3,500 a year for several years, and yet under a new contract they received $15,000 or $20,000 a year for doing the same work formerly done for $3,500 per year, and a certain portion of their commission was for work that had been done while they were upon the annual salary.

The CHAIRMAN. The time of the gentleman from Texas has expired. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York. The Chair will suggest that inasmuch as the last paragraph went out on a point of order the amendment should come in in line 21.

Mr. FITZGERALD. Mr. Chairman, I will ask that it be inserted at the proper place.

The CHAIRMAN. Without objection, that will be done. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS OBJECTS, DEPARTMENT OF JUSTICE.

Conduct of customs cases: Assistant Attorney General, $8,000; assistant attorneys—1 $5,000, 1 $4,500, 1 $3,000; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section 30 of the act of August 5, 1909, $35,000; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General, $27,000; in all, $82,500.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph, especially that part of it which reads as follows:

Assistant Attorney General, $8,000.

By the act of February 25, 1871, provision was made for three Assistant Attorneys General, at a salary of $5,000 annually. By the act of March 3, 1891, provision was made for an additional Assistant Attorney General, on a salary of $2,500. By the act of June 13, 1892, an appropriation of $2,500 additional was made to pay for this Fourth Assistant Attorney General, and his salary was fixed by that act at $5,000 a year. So the revised statute as it now stands makes provision for four Assistant Attorneys General, at a salary of $5,000 each. There is no authority for increasing the salary of this Attorney General from $5,000 to $8,000 per annum.

Mr. FITZGERALD. Mr. Chairman, the gentleman has not discovered the law under which these particular officials were created. They were created in what is known as the Payne-Aldrich Tariff Act. I have sent to the Library to get a copy of that act. I ask that the paragraph be passed temporarily.

Mr. FOWLER. Mr. Chairman, I have no disposition to press the point of order until the gentleman can procure that act.

The CHAIRMAN. Without objection, the paragraph will be passed temporarily.

There was no objection.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $10,000 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $450,000.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word. I notice in the hearings that the special commissioner for the suppression of the white-slave traffic asks that appropriation for the suppression of the white-slave traffic be placed under a special head.

Mr. FITZGERALD. Mr. Chairman, it is in this item. The department requested us to segregate the appropriation for the enforcement of the white-slave traffic act, known as the Mann law, but the committee could see no reason for having the appropriation for the enforcement of all other criminal acts in one paragraph and the appropriation for the enforcement of a particular act segregated. The committee declined to separate the items and determined to keep them in one paragraph.

Mr. KNOWLAND. Does not the gentleman think that there is merit in the contention of the commissioner that under the present arrangement they do not know exactly how much money they will receive, and that if a special paragraph was provided some of the other work requiring appropriations might not take the money required for this particular and important work?

Mr. FITZGERALD. In this way the Attorney General allots the amount of money he believes is required for that particular work, and he has available a larger fund for the purpose, if it be deemed necessary, than if the amount were segregated. The gentleman can understand that if we were to segregate the appropriations for the detection and prosecution of crimes under every penal statute this bill would be so long that it could never

be read, and there is no reason why the amount available for the prosecution of offenders under one statute should be segregated any more than under another.

Mr. KNOWLAND. The amount this year is $50,000 more than that of last year.

Mr. FITZGERALD. Yes. The estimate in the two items as submitted by the department was for $500,000 segregated, and the committee, appreciating the money was available and interchangeable, recommended $450,000, which is an increase of $50,000 over the current law.

Mr. KNOWLAND. How much increase will that make for the white-slave bureau?

Mr. FITZGERALD. Whatever the Department of Justice, the Attorney General, determines is necessary of this fund will be expended in that manner.

Mr. KNOWLAND. The additional $50,000 does not go, then, to this bureau?

Mr. FITZGERALD. They are spending at present over $100,000 a year out of the present appropriation.

Mr. KNOWLAND. There was a deficiency for this year, was there not, of $25,000?

Mr. FITZGERALD. I have not examined the deficiency estimates thus far. I believe it is good administration to keep the item in its present shape, and the committee believe that the amount recommended should be sufficient.

Mr. BURKE of South Dakota. Will the gentleman yield? About three years ago, I desire to say to the gentleman from New York, when the Indian appropriation bill was pending, the committee arranged the appropriations that had been previously made separately for certain purposes in the Indian service and reduced the aggregate, maintaining that it was in the interest of good administration; and I recall very distinctly that the gentleman from New York very strenuously objected to what he called lump-sum appropriations.

Mr. MANN. He was on the other side then.

Mr. FITZGERALD. This is an entirely different situation.

Mr. BURKE of South Dakota. Not at all.

Mr. FITZGERALD. I insist it is. I know what I am talking about in this connection.

Mr. BURKE of South Dakota. I want to ask the gentleman if he has changed his views with reference to what are termed "lump-sum appropriations" since that time?

Mr. FITZGERALD. No. The idea here is whether there shall be built up separate independent forces and organizations for the protection and prosecution of offenders under various penal laws or whether the department shall continue with the present organization to be utilized as the necessities require. Nobody can tell what the violations of the various penal statutes will be. That is something nobody can anticipate.

Mr. BURKE of South Dakota. The gentleman has just stated the Attorney General apportions these amounts for the different purposes. My recollection is that we used exactly the same argument at the time the matter I have referred to was under discussion, and the gentleman argued that he thought the House was just as capable of segregating and determining how much should be expended for these various purposes as the head of some department.

Mr. FITZGERALD. The gentleman was attempting a consolidation of items; the committee is not doing that.

Mr. BURKE of South Dakota. No; the appropriation, to be specific, was in reference to farmers, matrons, and persons employed in looking after timber on Indian reservations, and previously bills carried separate items for those purposes. The committee brought in a lump-sum appropriation for these several purposes and reduced the aggregate considerably, and the gentleman from New York, I remember distinctly, was very much opposed to what he termed a lump-sum appropriation.

Mr. FITZGERALD. The difference is this. In that case——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman from California be allowed five minutes more.

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

Mr. FITZGERALD. In that case the committee attempted a consolidation of items, while in this case the Committee on Appropriations is endeavoring to appropriate an additional lump-sum appropriation——

Mr. BURKE of South Dakota. I was wondering whether or not the fact that the gentleman is now in a position of responsibility perhaps had something to do with his change of ideas upon this subject of appropriating money. I want to say I am in accord with the gentleman's view, because it was the position I took three years ago when we had the bill before the House in the Indian appropriation bill, at which time the gentleman took an opposite position.

Mr. KNOWLAND. In further reference to this matter, Mr. Chairman, I would like to read an extract from the testimony of Mr. Finch. He says:

> Because with the growth of the white-slave work there is always the possibility that we might be crowded out on the white-slave work. That is one thing that should be prevented.

I should think that when a man who is as familiar with the work as Mr. Finch fears that something of that kind might occur, every consideration should be shown him.

Mr. FITZGERALD. I believe the committee has recommended ample funds to conduct the work. I am quite in sympathy with the efforts being made to suppress this evil, and I think in the administration of this fund there will be no difficulty. If by any possibility a mistake has been made or additional funds are required, I think there is no objection on the part of Congress to appropriating the moneys necessary to do the work.

Mr. KNOWLAND. If that is the attitude, I am glad to hear it. I think the committee has always showed a disposition to give the full amount asked for. I know they did last year and I assume they have this year also, and the only anxiety I had was there might be a possibility of the appropriation being diverted.

Mr. FITZGERALD. I believe with the items segregated it would have been necessary to have had an increase in each of them, but with them together it is unnecessary to appropriate with the organization as large a sum as otherwise might be necessary.

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

Mr. FITZGERALD. I yield.

Mr. MANN. My understanding is that the Committee on Appropriations not only appreciates the value of the work being done under that law, but is in sympathy with the work, and is quite willing to furnish all the needed funds.

Mr. FITZGERALD. In entire sympathy, and has tried to cooperate heartily with the department in the work.

Mr. Chairman, I ask to return now to the item which was passed over temporarily—section 30 of the present tariff law, page 122. The gentleman from Illinois [Mr. FOWLER] makes a point of order against the position of the Assistant Attorney General at $8,000, because it is a violation of law in that it increases the compensation of the position. Under the law, Mr. Chairman, the compensation is fixed at $10,000, and the committee is providing a place at $2,000 less than the law authorized. Section 30 of the so-called Payne tariff law—the act of August 5, 1909—provides:

> That there shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney General, who shall exercise the functions of his office under the supervision and control of the Attorney General of the United States, and who shall be paid a salary of $10,000 per annum.

This is the position for which the committee appropriated $8,000 a year.

Mr. FOWLER. What is the name given to the position?

Mr. FITZGERALD. Assistant Attorney General.

Mr. FOWLER. In section 30?

Mr. FITZGERALD. In section 30; yes. It is that $10,000 place. The committee has provided only $8,000, and that is all the man receives.

Mr. FOWLER. Mr. Chairman, I desire to let the matter pass until I can make a little further examination.

Mr. FITZGERALD. There is no question about it. I have the law, and I think we should dispose of it. This is a position provided in this bill, at $2,000 less than the law authorizes, and that is not subject to a point of order.

Mr. FOWLER. I have the bill before me now, Mr. Chairman, and in reading that section of the bill that is referred to as section 30, I have not been able to find it yet.

Mr. FITZGERALD. If the gentleman will read section 30——

Mr. FOWLER. All I desire, Mr. Chairman, is that it may stand until I can read that section.

Mr. FITZGERALD. I have just read it to the gentleman.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to pass the paragraph referred to temporarily. Is there objection?

There was no objection.

The Clerk read as follows:

> Inspection of prisons and prisoners and parole: For the inspection of United States prisons and prisoners, and for the collection, classification, and preservation of criminal identification records, and their exchange with the officials of State and other institutions, to be expended under the direction of the Attorney General, $10,000.

Mr. BEALL of Texas. Mr. Chairman, I move to strike out the last word.

I do not desire to consume the time of the committee and delay the consideration of this bill except just long enough to

call the attention of the committee to the fact that in connection with these Federal prisons this Congress will soon have two problems to meet and two problems to solve. The first is in connection with the parole board, that deals with the question of the parole of these Federal prisoners. At present it is composed of the superintendent of prisons and the warden and the physician of each of the penitentiaries. I think I am authorized to say that it is the opinion of the warden of each of these penitentiaries, as well as the opinion of the physician in each of these penitentiaries, that they should not be members of this parole board, but that the parole board should be constituted of three members entirely different from the present constituted officers. The warden of the penitentiary comes in direct and personal contact with the prisoners under his charge, and he ought to be in position not to serve as a member of the parole board, but as an adviser of the parole board, and to give the parole board the benefit of the information which he has secured as warden.

And the same thing is true of the prison physician. As the board is now constituted, the superintendent of prisons very largely dominates the board. He is located here in Washington. He is the superior officer of the wardens and of the prison physicians. The meetings of this board must be adjusted to *suit his* convenience, and I think that I am within the bounds of truth when I say that the parole board is very largely constituted of just one man.

Mr. SISSON. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Texas [Mr. BEALL] yield to the gentleman from Mississippi [Mr. SISSON]?

Mr. BEALL of Texas. With pleasure.

Mr. SISSON. I would like to ask the gentleman from Texas, because I do not know exactly the facts, as to who constitutes this board?

Mr. BEALL of Texas. The parole board of the Leavenworth Penitentiary is composed of the superintendent of prisons here in Washington, the warden of the Leavenworth Penitentiary, and the physician of the Leavenworth Penitentiary, and the same thing is true at Atlanta.

Mr. SISSON. The superintendent lives here in Washington?

Mr. BEALL of Texas. In Washington. And the same is true of McNeil Island as to the composition of the board.

I think that there was a very serious mistake made in the law creating and constituting this board of parole. It ought to be composed of other than the superintendent of prisons or the warden of the penitentiary or the prison physician.

Now, another problem, Mr. Chairman, that this Congress has got to meet and got to solve within three or four years: At Leavenworth and Atlanta you have something like 2,000 men. You have no employment on earth for them except to look after the affairs of the prison and the construction work that is in progress. It must necessarily follow that in the near future the construction work at Leavenworth and at Atlanta will end, and this Congress will be confronted with a situation where it will have perhaps 3,000 men with no provision of any kind made for their employment.

I think it is one of the problems that Congress ought to begin to grapple with at a very early date, to make provision to give these convicts employment when the construction work ends, as it must end in the near future.

Mr. CULLOP. Are there but two of these prisons?

Mr. BEALL of Texas. There are three prisons, but there are but two big prisons.

Mr. CULLOP. Where are they?

Mr. BEALL of Texas. One is at Leavenworth, and one is at Atlanta, and one at McNeil Island, in the State of Washington; but that is a comparatively small prison.

Mr. CULLOP. Now, are the convicts in the two prisons the gentleman has named not engaged in any other work or business than that of constructing the prisons?

Mr. BEALL of Texas. That is the entire opportunity for the employment of the convicts at those two institutions, except caring for the prison, doing the work in the kitchen and in the dining room and upon the grounds. They have no employment for these convicts except this construction work, which must end in the near future, because these buildings will be completed; and then you will have two or three thousand men on your hands, without any employment for them. It will not be good for the men, and it will not be good for the penitentiary system.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

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

There was no objection.

Mr. CULLOP. Now, has the Government entered upon any policy of furnishing some kind of employment, some kind of public work for the Government, so as to engage and employ these men while they are there?

Mr. BEALL of Texas. Not in the slightest degree. There has not been a single, solitary thing done by Congress looking to the making of any provision for the employment of these men when the construction work ends, and it ought to be done in the very near future.

Mr. SISSON. What does the gentleman think about putting them on the public roads and on the public work of improving rivers and harbors and levees and other work that is being done now by the Federal Government?

Mr. BEALL of Texas. Well, the gentleman from Texas has not gone very far into the subject, but I do not think he needs to go very far into the subject to say that it would not be feasible or practicable to use the prisoners at Leavenworth in road construction throughout the United States or to use the prisoners at Atlanta or elsewhere on similar work.

Mr. SISSON. What does the gentleman think of turning them over for the building work in the States or in river and harbor work where ordinary labor is used?

Mr. BEALL of Texas. I can not solve that problem. A few weeks ago I introduced a resolution here, the purpose of which was to give to the Committee on Expenditures in the Department of Justice an opportunity to look into this question and to investigate it and to take testimony on it and to try to arrive at some sane conclusion as to how these men could be employed. I knew the disposition on the part of the House to look with disfavor upon these propositions to give these committees authority to sit outside of Washington, and therefore I have not pressed the resolution. But sooner or later this Congress has got to solve this problem, because this construction work will end before very long and you will have two or three or four thousand idle men upon your hands. It is not, as I say, good for the men and it is not good for the rights of the Government to have these men idle and unemployed.

I simply wanted to call the attention of the House to the fact that this is a problem you will have to meet and solve in the very near future.

Mr. SHERLEY. Mr. Chairman, I desire to say just a word in connection with what the gentleman from Texas [Mr. BEALL] has said.

I thoroughly agree with him that the time is at hand when the present system of employing these men upon construction work will have to be discontinued, and I wanted to suggest one thought in connection with the solution of that problem. That is that I have always believed that, instead of undertaking to make a profit out of convict labor, either for the benefit of the State or for the benefit of a contractor, what ought to be done in the interest of humanity is to employ these men in various kinds of work, credit them with a fair wage, debiting that credit with their upkeep cost, and then give to any dependent members of their families, or to themselves upon the expiration of their terms, such sums as they have properly earned, in order that they may have an opportunity to start again in life and become useful citizens, instead of the present system, which sends a man out at the end of his term in prison without any opportunity on earth and with practically all society arrayed against him. [Applause.]

There has been much prejudice in America against the sale of convict-made goods, and that prejudice has been warranted where the sale has represented simply a profit to contractors who have used this labor at an unfair price and then have underbid honest labor outside. But if these men were credited with a proper sum as representing the value of their labor, then the goods manufactured by them would not enter into unfair competition with goods made outside, and the work done by the convicts would give them the opportunity that society owes to itself and owes to them.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. BEALL of Texas. I will ask the gentleman if he does not believe that every convict at Leavenworth, Atlanta, and McNeil Island, after this construction work ends, should be employed in the manufacture of goods that the Government of the United States needs?

Mr. SHERLEY. I am inclined to think they could be. I am not prepared to undertake to name the particular kind of employment to which they should be put, but I do insist that the principle of crediting them with a reasonable return for their labor, after debiting them as they should be debited with their cost to the State, should be followed, in order that their families, who are sometimes dependent on them, may be taken care of, and that the individual may start life with some chance

to succeed as an honest man and without the certainty which exists to-day of his being driven back into the walks of vice and crime.

Mr. CULLOP. Is it not the policy now of most of the prisons in the different States to give the convict a certain amount for excess work, which sum accumulates, and he has the right to draw it and send it to his family or draw it at the end of his term.

Mr. SHERLEY. I do not think that is universal. It may exist in some States, but in many States it unquestionably does not.

Mr. CULLOP. It does exist in the State of Indiana.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. I move to strike out the last two words. I agree with the gentleman from Kentucky [Mr. SHERLEY], so far as he goes. The man who is in prison should be credited with his earnings, less the expense, and the money either used for taking care of his family while he is in prison, or given to him in a lump sum when he leaves, so that he will have something with which to start life anew. But that does not solve the problem. Men are sent to prison primarily for the welfare of society, and being sent there primarily for the welfare of society they should not be so employed as to injure society. Nevertheless, they should be employed. Their own welfare and the welfare of society requires that they should be employed. The great criticism that has been made against convict-made goods has come because of the fact that it has been customary to use the convicts in any given prison or penitentiary in one particular line of industry, thereby placing a large amount, or a comparatively large amount, of the material consumed from that industry into competition with free labor, to the injury of society itself. In my judgment the way to solve that problem, in addition to the suggestion made by the gentleman from Kentucky, is to make your industries in your penitentiaries as thoroughly diversified as it is possible to make them, so that the product of the labor coming from the prison will not materially affect any one industry outside of the prison. When they have diversified that industry and placed the workmen in the prison at work at hand labor, learning the rudiments and fundamental principles of trades, then you will have created a condition where the prisoner is kept busy earning something for himself or his family, at the same time having no injurious effect upon the industries outside of the prison, and having no injurious effect upon free labor. In my judgment that is the ideal condition and the ideal method of handling prison labor.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I should like to ask the gentleman a question.

Mr. MANN. I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. FOWLER. Mr. Chairman, there was a provision passed over on page 122.

Mr. FITZGERALD. I ask now to return to that provision to which the point of order was reserved.

Mr. FOWLER. On examination of the statute of 1909, which created the Court of Customs Appeals, I discover that it provided for an Assistant Attorney General at a salary of $10,000 a year.

I desire to compliment the chairman of this committee and the other members of his committee that in the preparation of this bill they have made a true effort in the direction of retrenchment and reform in this item. I withdraw the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This salary has never been more than $8,000.

Mr. FOWLER. The statute provides for $10,000.

Mr. MANN. That was a Senate amendment; the House has never made it more than $8,000. May I ask the gentleman why they left out the Deputy Assistant Attorney General in this branch of the service? Is he no longer needed?

Mr. FITZGERALD. The services were discontinued about the first of the year, and the Assistant Attorney General in charge of the work says that there is no necessity for the office.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000.

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

The Clerk read as follows:

After line 15, on page 124, insert the following:

"*Provided, however,* That no part of this money shall be expended in the prosecution of any organization or individual for entering into any combination or agreement having in view the increase of wages, the shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof, not in itself unlawful."

Mr. FITZGERALD. To that, Mr. Chairman, I reserve a point of order.

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

Mr. FITZGERALD. Mr. Chairman, I am surprised that the gentleman from New Jersey should offer this amendment. This appropriation becomes available on the 1st of July next. At that time a distinguished citizen of the State of New Jersey will occupy the White House, and the attorney who will be in charge of the Department of Justice will be selected by him. On former occasions I have supported such a provision, because of my lack of confidence, justified by events in Republican administration.

Mr. MANN. The gentleman from New Jersey seems to feel the same way about the next administration. [Laughter.]

Mr. FITZGERALD. I am unwilling to admit or have it intimated that the Democratic administration proposes to utilize an appropriation specifically provided for the purpose of enforcing the antitrust law, to suppress the illegal trusts and combinations that have been oppressing the people, for the purpose of attempting to coerce, or control, or destroy organizations of labor existing for the purpose of advancing the welfare of their members. Under the circumstances I not only am opposed to the amendment, but I hope that this side of the House will unite with me in preventing this reflection upon the incoming Democratic administration by writing this into the law. [Applause.]

Mr. MANN. Mr. Chairman, it is a little beyond my understanding what the falling of the angels has to do with the failures of the Democratic Party. I can not conceive any connection between angels and Democrats. [Laughter.]

Mr. HAMILL. Mr. Chairman, a Republican never could know what an angel is.

Mr. MANN. Mr. Chairman, all over the country those interested in politics and statecraft have endeavored to get some kind of line in their minds upon the incoming President. I have noticed that a great many Democratic Members have been over to New Jersey; and when you talk to them in private after they get back they are able to give you very little information concerning the attitude of the new President, but now we are getting light. Evidently those who are nearest to him distrust him.

The gentleman from the State of New York [Mr. FITZGERALD] has confidence in the President elect, but the gentleman from his own State, who has been in association with him, fears the Attorney General to be appointed by the President elect, and the gentleman from New Jersey [Mr. HAMILL], having more knowledge of the President elect, may be correct. Perhaps we are not justified in trusting him. At least, it is quite certain that the gentleman from New Jersey is not willing to trust the new President or his Attorney General, and seeks to bind his hands in advance, because of intimate knowledge acquired after years of association, and thereby distrust. [Laughter.]

Mr. HAMILL. Mr. Chairman, of course I do not agree, nor does anyone else, with the ingenious but specious argument of the gentleman from Illinois [Mr. MANN], but I am glad to know that, whatever his motive may be, his speech indicates that he will support me in this amendment, and I am willing to take strength even from him and from his side in this meritorious course. This is one of the rare occasions when his party is right.

Mr. SISSON. Mr. Chairman, I want to say just a word. I am in favor of the amendment offered by the gentleman from New Jersey [Mr. HAMILL]. I do not know just what the ruling of the Chair will be in reference to the matter, but the history of this Sherman antitrust act is one which is interesting at least to me. Mr. Sherman, Mr. Edmunds, and Senator George, of my own State, constituted the three men who drafted the Sherman antitrust act, and Senator George, of Mississippi, insisted that an amendment very like that offered by the gentleman from New Jersey ought to have gone on the original act. He was assured in the Senate, he was assured in the debate, that the act could not apply to labor organizations, because every man had the inalienable right to control the price of his own labor and to control the price of the product of his own labor, but the Supreme Court, in construing this act, disagreed with the majority members of the committee, Mr. Sherman and Mr. Edmunds, and agreed with Senator George, from my own State, to wit, that this amendment should have gone on the bill.

There is a right interesting bit of history. When this matter was passed on in the Senate Senator George, of Mississippi, was sick and unable to be present, or he would have offered on the floor of the Senate the amendment in substantially the language that the gentleman from New Jersey has drawn it; and

Senator Sherman and Senator Edmunds were not opposed to the amendment, but simply said it was surplusage; and if they had taken the position of Senator George in the Senate when this legislation was originally passed, the amendment would have gone on in practically the language that the gentleman from New Jersey has offered it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PAGE) there were—ayes 30, noes 22.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the first word of the paragraph. Last year we appropriated $200,000 for this purpose. I tried my best to get the gentlemen in control to increase the amount last year. I congratulate them this year on increasing the amount to $300,000. I suppose, of course, the gentleman from New York [Mr. FITZGERALD] will make the usual, narrow-minded, partisan reply that he could trust the Democratic administration with the expenditure of the money. I venture to say that there never has been an Attorney General and will not ever be again in many years an Attorney General who will do as much toward enforcing the antitrust law as the present Attorney General, Mr. George W. Wickersham. [Applause on the Republican side.]

When he went into the Cabinet, coming from New York City, with, I suppose, corporate connections as a lawyer, many people believed he would be under the influence more or less of, or at least be influenced by, the large combinations. But he has never swerved from what he believed was the right thing in endeavoring to prosecute suits against what people called the "big fellows"—the trusts and combinations. Whether his judgment has always proved right or wrong on one of these things no one can tell. People can criticize, but he has been on the square; and if the next Attorney General, whether he comes from inside this House or outside this House, will do as well, he will reflect great credit upon the incoming administration. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I do not know what the gentleman from Illinois means by the usual Democratic argument to justify this appropriation. There is a deficiency estimate of $100,000 submitted to Congress by this administration which is to pay debts incurred by the employment of Republican attorneys at very high prices, the Attorney General insisting that the Democratic administration would require a similar sum next year. My familiarity with the items of expenditure under this appropriation makes me doubt exceedingly that such an amount will be needed, but having experimented for several years and finding that the department insists on spending about the sum appropriated and the Republican administration not having succeeded in exterminating all the trusts that are operating in violation of the law——

Mr. MANN. The gentleman evidently misunderstood what I said. I did not criticize the increased amount; on the contrary, I complimented the gentleman on increasing the amount this year, in view of what I endeavored to get him to do last year.

Mr. FITZGERALD. I understand the gentleman did not criticize the increased amount. He was criticizing in advance what he hoped would be the reason given for the increase.

Mr. MANN. I have not criticized; that would have been the reason.

Mr. FITZGERALD. As I was saying, I doubt if the Democratic administration can be conducted in such an extravagant manner as to utilize, even in the enforcement in a much more effective manner than the present administration, this entire sum, but members of the committee and myself do not always agree, and the chairman does not always have his way, and so this amount is recommended for use during the coming fiscal year.

Mr. MORSE of Wisconsin. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MORSE of Wisconsin. How is this money expended—for special assistants, for witness fees, or in what way?

Mr. FITZGERALD. Well, for lawyers and counselors at law and special counsel, and retired officials on the pay rolls at low compensation and paid out of this appropriation much higher sums, clerical services, and for the legal machinery necessary in the conduct of many of the very important suits brought by the department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WARBURTON. I ask unanimous consent that the gentleman may have two minutes more. I want to ask him a question.

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

Mr. FITZGERALD. All right; ask it.

Mr. WARBURTON. I understood the gentleman to say the chairman did not always have his way on the committee. I would like to know, if it does not betray the secrets of the committee, when it was the gentleman did not have his own way.

Mr. FITZGERALD. I did not have my own way when the committee struck out the items in which the gentleman was interested. I was very heartily in favor of some of them, but the committee overruled my judgment.

Mr. SLOAN. Mr. Chairman, the gentleman spoke of high-priced attorneys——

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

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

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. RODDENBERY. Mr. Chairman, I desire to offer an amendment to come after the amendment of the gentleman from New Jersey, which has been adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the amendment just adopted, the following: "*Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products or associations of farmers who cooperate or organize in an effort to obtain and maintain a fair and reasonable price for their products."

Mr. RODDENBERY. Mr. Chairman, I should like to discuss fully this amendment and the manifest justice of it, but at this hour of the night I am not physically able to do so. I must, however, make just this remark, that efforts on the part of the agricultural people to maintain fair and reasonable prices and compensation for the products of their toil, their labor and sweat, stand on like footing of reason, of justice, and of right, with the amendment in the interest of fair treatment of labor which we have just adopted and which I cheerfully voted for. This amendment, which I submit to the judgment of the committee, if adopted will accord to the agricultural associations and tillers of the soil an opportunity to organize, cooperate, and standing together without fear of prosecutions in the Federal courts, to maintain the price of their products when the bears on the speculating curbstone and gambling exchanges conspire to run the prices of their products down. These gambling conspirators force prices down when the farmers are ready or compelled to market them, only to run them sky-high when they have sold them. Thus continually the farmer who toils and sweats to support himself and feed and clothe the world gets the minimum price for his labor, while the gambler and speculator, who neither toils nor sweats, craftily reaps the reward of the man who should have it. [Applause.]

Mr. EDWARDS. Mr. Chairman, I regret that my colleague is not physically able to discuss this amendment more at length. I can not let this opportunity pass, however, without submitting a few remarks in support of his amendment. We have just passed, by a vote of this committee, a proposition to prevent the prosecution of labor organizations under certain conditions. I am sure that the principle involved in this amendment is just as worthy of support as the principle involved in the amendment we adopted just a few moments ago. I believe that if this amendment is adopted it will afford great protection to the farmers of this country. The time has come, in my opinion, when the farmers, like other men, in order to protect their interests and advance them, are compelled to stand together in organizations.

As has been pointed out by my colleague, the farmers are dealt with more harshly in the markets of this country and in the markets of the world than any other class of people. I was interested in the remarks of the gentleman from Mississippi [Mr. SISSON] as to why that amendment offered by the gentleman from New Jersey [Mr. HAMILL] should prevail to prevent, in certain cases, the prosecution of labor organizations. I was interested in the history recited by him, in the part that Senator George of Mississippi played in the matter, and the reasons why it should prevail. And the same reasons apply in this case. I think it is high time that, while we are lending this degree of protection to the labor organizations of the country, we should likewise give to the farmers the same degree of protection. I hope that the amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

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

Mr. FITZGERALD. Mr. Chairman, I move to strike out the amended paragraph and insert in lieu thereof the following.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the amended paragraph and insert the following:
"Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $299,000."

Mr. FITZGERALD. Mr. Chairman, what has transpired demonstrates the necessity of appropriating this money in this way. If random amendments are to be adopted, excluding aggregations or organizations which may or may not be violating the law, it may be just as well to make no appropriations whatever to enforce the law.

I have not the same feeling of doubt or suspicion regarding the incoming administration that some of my colleagues seem to have. If at any time in the administration of public affairs during the next four years abuses arise and improper proceedings are brought and this appropriation is utilized in a manner not contemplated by law, I shall not hesitate to support such provisions as may be necessary to control the administration.

But at the very outset it is inconceivable to me that Members upon this side shall publish to the country their distrust of the incoming administration by intimating or suggesting that the incoming Democratic administration proposes to utilize, in ways not contemplated and never suggested, a fund provided for the purpose of suppressing illegal combinations that have been oppressing the country. I hope that this side of the House will not adopt any such amendment, but that it will make the appropriation in the manner here suggested.

Mr. HAMILL. Mr. Chairman——

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. HAMILL. I thought the gentleman had finished.

Mr. FITZGERALD. I have.

Mr. ADAMSON. Mr. Chairman, we were very much amused at the bulls gotten off by the distinguished gentleman from New Jersey [Mr. HAMILL] in the course of his eloquent advocacy of a good proposition. We have heard what we have long been familiar with—the taunts and jeers of the Republican Party against the Democratic Party, which is about to come into its own and give the people their own Government for the next four years [applause], and I hope in such a manner as will enable them to hold it for the next quarter of a century. [Applause.]

Mr. MANN. You have a great disappointment in store for you, then. [Laughter.]

Mr. ADAMSON. The distrust expressed by the Republicans has also been answered, I regret to say, by the distinguished chairman of the Committee on Appropriations in the wrong way. The gentleman from New Jersey did not mean distrust. I wish to give to the committee the true version of the motive that prompted those who voted for the two amendments which the gentleman from New York is trying to get rid of now. It is this: The incoming Democratic administration expects honestly to administer the law as it is written. Therefore we wish to do the country and the administration and ourselves the justice to see that that administration has the law in the proper shape to administer. [Applause.]

Mr. HAMILL. Mr. Chairman, I appreciate all the humor that has been injected into this discussion, and I appreciate also just how sound is the view taken by the distinguished gentleman, chairman of the Committee on Appropriations, in opposing the amendment which I have offered.

He puts his opposition to my amendment upon the ground that it expresses distrust of the incoming administration. Mr. Chairman, that is pure buncombe and nonsense, although the distinguished chairman did not mean it to be so.

We are here engaged in the business of legislation, and I would not vest any man with discretion in a case where I, as a legislator, could definitely tell him what to do.

Now, the chairman of the Committee on Appropriations assumes that labor unions will not be investigated by a Democratic Attorney General, because the Attorney General will be so friendly to labor that he would not for a moment think of conducting an investigation into a labor organization. Very well. It can not be any harm for us to express to him definitely, in the terms of a statute, precisely what the chairman indicates he would do if left to his own discretion. And it is no reflection upon anybody for this House to tell an officer of the Government how he shall expend an appropriation of public money which it, in its discretion and in its wisdom, chooses to appropriate. [Applause.] Therefore I hope the substitute will be defeated and that my amendment will be retained in the bill. [Applause.]

Mr. RODDENBERY. Mr. Chairman, I do not desire to question the parliamentary right of the chairman of the committee to offer this amendment——

Mr. FITZGERALD. There is no question about it——

Mr. RODDENBERY. But I do desire to submit to the members of this committee that a rule was adopted yesterday directing that the first and second reading of the bill should be dispensed with, which meant that under the rule the bill would be read paragraph by paragraph; that the Members here, who represent the people of the United States, might perfect this bill. We have now reached a paragraph in this bill. Members on the floor have offered two separate amendments to this paragraph. Those amendments have been discussed. The committee have adopted them. The paragraph is perfected according to the will of the committee. When the paragraph has been adopted according to the will of the committee, the chairman of the Appropriations Committee moves to strike out the paragraph as perfected by the committee, and now submits to you that because the will of the Committee on Appropriations, as expressed in the bill, has been altered, you gentlemen ought to walk up like senseless automatons and destroy the deliberate legislative fabric of which you are the responsible and capable architects. [Applause.]

Mr. SAUNDERS. Mr. Chairman, I submit that it is altogether a mistaken view to say that by engrafting these amendments on the pending bill, we are thereby put in the attitude of distrusting the incoming administration. On the contrary, we, the lawmaking department, are simply prescribing, as we have the right to do, the path in which the Executive shall walk. It is the duty of the executive department to enforce the laws as it finds them, and should it happen that the laws are written so broadly that they fairly cover by their terms subjects which were not within the original intent of the lawmaking department, it is not to be imputed as error to the executive department if it enforces the laws to the extent of those terms. But if it is historically true, as stated by the gentleman from Mississippi [Mr. SISSON] that it was not intended in the inception of the antitrust statute that it should apply to farm associations, or organized labor, it is altogether right that at this time we should except such associations, and organizations from the operations of this bill. In the beginning it was understood they should be excepted, and we are now seeking to make this understanding effective.

We have prescribed by the first amendment in effect that the operation of the antitrust law shall not attach to certain labor organizations. We have prescribed in effect by the second amendment that it shall not attach to certain organizations of farmers.

Mr. McKENZIE. Will the gentleman from Virginia assume to take the position that if a combination of farmers enters into a real, genuine trust, or if a combination of labor unions forms a trust that is injurious to the citizens of the country, the President of the United States and the Department of Justice should not have the power to investigate that matter?

Mr. SAUNDERS. That is the effect of these amendments.

Mr. McKENZIE. Do you think that is good legislation?

Mr. HAMILL. I beg the gentleman's pardon. The gentleman from Illinois [Mr. McKENZIE] assumes a condition that does not exist. Labor unions are not a trust. They do not corner labor, and their door is always open to the entrance of anybody who wants to come in and take advantage of it.

Mr. SAUNDERS. I will not enter into these distinctions. I am not attempting to go into the reasons why labor organizations should be excluded from the operations of the antitrust law, or why organizations of farmers combining to increase the price of the products of their farms should be exempted from the operations of the same law. I am simply seeking to bring out the fact, as stated by the gentleman from Mississippi that it was not intended in the beginning that these classes of our citizens should be included within the operations of this particular statute. Their operations were not to be considered as trusts, or intended to be inhibited. By the amendments adopted to-night by the vote of this body, we have in substance written into the existing law the fair intent of that law, as it was conceived in the beginning. That being so, it is altogether a mistaken attitude to treat this action as an expression of distrust of the incoming administration. Whether these amendments are good, or bad legislation is a matter that this body has disposed of when it wrote them into the pending bill. I do not propose to reopen the discussion on the merits of these amendments. But I am free to say that the arguments which have been advanced in support of the contention that labor organizations should be excepted from the operation of the antitrust laws, apply with far greater force to the second amendment which relates to associations of farmers.

We have adopted these amendments. Should we now with no sufficient reasons advanced undertake to undo the work that

we have done? There is every reason why we should abide by the action which we have taken.

Mr. FITZGERALD. Mr. Chairman, I move to close debate on the pending paragraph and amendments thereto.

Mr. GREEN of Iowa. Will the gentleman allow me two or three minutes?

Mr. FITZGERALD. I move to close the debate in three minutes.

The CHAIRMAN. The gentleman from New York moves that the debate on the paragraph and amendments thereto close in three minutes.

The motion was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I deny that the gentleman from Georgia [Mr. RODDENBERY] has correctly represented the farmers of this country. It is true that in the past there has been an effort made by some legislatures in some of the States, but so far as I know unsupported by the farmers' organizations, to provide that farmers as a class should not be subject to the same laws, rules, and regulations as other persons. But the proposition of the gentleman from Georgia goes far beyond this. It says, in effect, that the farmers of the country desire to break the laws and then desire not to be prosecuted for so doing. I deny that, as far as my constituents are concerned, and I represent the farming district.

Mr. SAUNDERS. It is not within the operation of the law.

Mr. GREEN of Iowa. Then if it is not within the operation of the law, as the gentleman from Virginia says in an undertone, there would be no necessity for it. My constituents do not ask any favors when it comes to breaking the law. They expect to obey the law, and they expect that those who do not obey the law will be punished.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was lost.

The Clerk read as follows:

For 15 copies of volume 57 of the Lawyers' Cooperative Edition, $90.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Kentucky in regard to this provision, on page 125, line 15, "to pay the publishers of the Federal Reporter," etc., then, in lines 19 and 20, "for 15 copies of volume 57 of the Lawyers' Cooperative Edition, $90." What are those?

Mr. SHERLEY. Supreme Court's report.

Mr. COOPER. Ought it not to be inserted?

Mr. SHERLEY. That is ample; that language has been carried right along in the bill. There is only one edition of the Lawyers' Cooperative reports.

Mr. COOPER. But it does not say reports. It says Lawyers' Cooperative Edition.

Mr. SHERLEY. I have no objection to the gentleman offering the amendment.

Mr. COOPER. Mr. Chairman, I offer the following amendment: After the word "edition," line 20, insert the word "Supreme Court of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 125, line 20, after the word "edition," insert the words "Reports of the Supreme Court of the United States."

Mr. CULLOP. Mr. Chairman, these reports carry the decisions from all the different States. They are collected from decisions of different States of the Union. In addition to this, I see the price is fixed at $6 a volume. Is not that rather higher than they are usually sold for?

Mr. MANN. Where does the gentleman get the price of $6 a volume?

Mr. CULLOP. "Fifteen volumes at $90."

Mr. SHERLEY. The testimony before the committee was that would be the price of the new volumes.

Mr. CULLOP. Then, there must have been a change in the price.

Mr. SHERLEY. There has been a change in the price, as they are supposed to contain more decisions than heretofore.

Mr. PAGE. Mr. Chairman, the language in this paragraph has been carried in the bill from time to time, and I see no reason why the language should be changed or why the statute should be burdened with language absolutely unnecessary, and therefore I hope the amendment will be voted down.

Mr. COOPER. Mr. Chairman, the fact that the language has heretofore been carried in the statute is no reason why it should not be changed.

Mr. PAGE. There seems to have been no question about the language. It has been understood by everybody and there has been no confusion about it.

Mr. COOPER. The gentleman, in his anxiety to have the report of this committee and the bill as reported absolutely untouched, fails to acknowledge what is palpable to everybody else. Lines 19 and 20 constitute a paragraph, and there is not a word in the paragraph about reports of the Supreme Court of the United States. The paragraph—lines 19 and 20—is complete in itself, and provides simply for "15 copies of volume 57 of the lawyers' cooperative edition, $90." It is perfectly plain that it needs an amendment to make its meaning understood.

Mr. SHERLEY. If the gentleman will permit, the only edition that is known to the profession as the lawyers' cooperative edition of the Federal reports is the edition of the Supreme Court decisions.

Mr. COOPER. This does not say the lawyers' cooperative edition of the Federal reports, but only the "lawyers' cooperative edition."

Mr. SHERLEY. It does not need to, because there is a subdivision that is supposed to carry down in construction of the language. I have no objection to the gentleman's amendment, but no one, the comptroller or anybody else, has ever misunderstood the language.

Mr. ALEXANDER. Why might it not refer to the cooperative edition of the statutes?

Mr. COOPER. It could, except to the members of the committee.

Mr. SHERLEY. I will tell the gentleman why it could not, because the heading of the paragraph says Federal Court Reports and Digests. All of these are under that caption.

Mr. ALEXANDER. It is very apparent to me that the amendment ought to be made.

Mr. MANN. There is a law that governs it in any event. It does not make any difference.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. COOPER) there were—ayes 28, noes 24.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I was listening and endeavoring to catch, but could not hear the Clerk when he read down to the paragraph just above. I desire to return to that paragraph for the purpose of moving to strike out the word "twelve," in line 18, and insert the word "thirteen."

Mr. PAGE. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. Without objection the committee will return to that paragraph.

There was no objection.

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

The amendment was agreed to.

The Clerk read as follows:

For supplies, including exchange of typewriting and adding machines for the United States courts and judicial officers, to be expended under the direction of the Attorney General, $35,000.

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

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

For support of the National Training School for Boys, District of Columbia: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, $600; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; 6 matrons of families, at $240 each; foremen of and skilled helpers in industries, $3,800; farmer, $600; assistant farmer, $420; teamster, $360; florist, engineer, and shoemaker, at $540 each; baker, and tailor, at $600 each; cook, $480; assistant engineer, $420; laundress, $360; dining-room attendant, boys', $300; dining-room attendant, officers', $240; housemaid, $216; seamstress, $240; assistant cook, $300; nurse, $600; watchmen, not to exceed 8 in number, $3,360; secretary and treasurer to board of trustees, $900; in all, $34,270.

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

The Clerk read as follows:

Page 136, line 9, strike out the figures "$34,270" and insert in lieu thereof the figures "$34,276."

Mr. PAGE. It is for the purpose of correcting the total.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

In all, for National Training School for Boys, $45,770.

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

The Clerk read as follows:

Page 136, line 24, strike out the figures "$45,770" and insert in lieu thereof the figures "$45,776."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

UNDER THE DEPARTMENT OF COMMERCE AND LABOR.

LIGHTHOUSE SERVICE.

General expenses, Lighthouse Service: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals, and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That no oil or carbide house erected hereunder shall exceed $550 in cost; the construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees and field force while engaged on works of general repair and maintenance, and pay of laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, offices and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the abovenamed persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce and Labor of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence under rules prescribed by the Secretary of Commerce and Labor not to exceed $4 per day, and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots: *Provided*, That hereafter supplies and equipment for special works of the Lighthouse Service may be furnished from general stock and the appropriation "General expenses, Lighthouse Service," reimbursed therefor from the respective appropriations for special works, and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,750,000.

Mr. COVINGTON. Mr. Chairman, I make the point of order against the proviso beginning with the word "*Provided*," in line 21, page 138, down to and including the words "special works," in line 25, it being new legislation.

Mr. SHERLEY. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Hereafter when any condemned supplies, materials, equipment, or land can not be profitably used in the work of the Lighthouse Service, the same shall be appraised and sold, either by sealed proposals for the purchase of the same, or by public auction, after advertisement of the sale for such time as in the judgment of the Secretary of Commerce and Labor the public interest may require, the proceeds of such sales, after the payment therefrom of the expenses of making the same, to be deposited and covered into the Treasury as miscellaneous receipts, as now provided by law in like cases.

Mr. COVINGTON. Mr. Chairman, I make the point of order that the paragraph is new legislation.

Mr. SHERLEY. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Salaries, Lighthouse Service: For salaries of 17 lighthouse inspectors, and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, Washington, D. C., $360,000.

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

The Clerk read as follows:

Page 139, after line 25, add the following:

"*Provided*, That each and every employee of the Lighthouse Service compensated at a per diem rate of pay be, and is hereby, granted 15 working days' leave of absence each year without forfeiture of pay during such absence: *Provided*, That no employee of the class herein mentioned shall be entitled to any leave until he has served 12 consecutive months, when he may be granted 15 days' leave, and that during the second or any subsequent year 15 days' leave at the rate of one and one-fourth days per month, as earned, may be granted from the beginning of the second service year: *Provided further*, That the inspectors of the several lighthouse districts shall have discretion as to the time when the leave can be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted."

Mr. SHERLEY. I reserve the point of order for five minutes.

Mr. CALDER. Mr. Chairman, this amendment was prepared by the Lighthouse Bureau. Its passage is recommended by that bureau. It puts the mechanics and laborers in the Lighthouse Bureau in exactly the same position as mechanics in the other bureaus of the Department of Commerce and Labor. Congress has from time to time passed provisions putting mechanics and laborers in the different departments of the Government in such position that they might have 15 days' leave of absence each year with pay. In the city of Washington we give the employees of the Bureau of Engraving and Printing and in the Government Printing Office 30 days' leave of absence with pay. Previous to the creation of the Bureau of Lighthouses these same mechanics and laborers were given 15 days' leave of absence with pay, but the Comptroller of the Treasury has so construed the law that they are not allowed any leave of absence under the present arrangement. It seems to me that these men are entitled to the same consideration given men employed in the navy yards and arsenals, and I hope the gentleman from Kentucky will see fit to withdraw his point of order and permit these men to be treated fairly.

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

Mr. CALDER. Yes.

Mr. MANN. The Committee on Interstate and Foreign Commerce has just had stricken out of the bill two items, which they recently recommended to the House, on the ground that they did not belong in this bill.

Does this amendment, coming from another member of the Committee on Interstate and Foreign Commerce, meet the approval of that committee, and do they desire to have this amendment inserted in this bill, having just stricken out of the bill other provisions they believe in but thought another committee ought not interfere with them?

Mr. CALDER. Mr. Chairman, I have not been authorized by the Committee on Interstate and Foreign Commerce to propose this amendment. Nevertheless the Secretary of Commerce and Labor has recommended this amendment, and the Department of Commerce and Labor drew it and handed it to me.

Mr. SHERLEY. Can the gentleman state the position of his committee, because we would like to know. If they want to protect their jurisdiction, we are glad to help them; if they do not, we would like to know about it.

Mr. CALDER. I presented the amendment, thinking perhaps this would be the only opportunity to have justice done to these men at this session of Congress.

Mr. MANN. The gentleman does not assume that the Committee on Interstate and Foreign Commerce will not do justice to these men?

Mr. CALDER. Oh, no; but the condition of legislation at this time is such that a measure of this kind can not be passed, except in some such manner as this.

Mr. SHERLEY. Is that the reason for making the point of order to the provision which has just gone out?

Mr. CALDER. I am not in the confidence of the gentleman who made the point of order. He did not tell me he intended to do so.

Mr. PAGE. The members of the Appropriations Committee thought as did the gentleman from New York, and for that reason they put this item in the bill.

Mr. MADDEN. The gentleman from New York understands the disposition on the part of the Committee on Appropriations to do justice wherever we——

Mr. CALDER. I trust the point of order will be withdrawn.

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

Mr. PAGE. I make the point of order.

The CHAIRMAN. The gentleman from North Carolina makes the point of order, and the point of order is sustained.

The Clerk read as follows:

For offshore soundings and examination of reported dangers on the coasts of the United States, and of coasts under the jurisdiction of the United States, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations, and including the employment of such pilots and nautical experts in the field and office as may be necessary for the same, $15,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Can one of the gentlemen of the committee inform us what the appropriation for this item was last year?

Mr. PAGE. What is the item?

Mr. MOORE of Pennsylvania. For compilation of the Coast Pilot, page 141, beginning with line 8.

Mr. PAGE. It is the same appropriation carried in this bill, $15,000.

Mr. MOORE of Pennsylvania. Well, the bureau has recommended publishing an inland Coast Pilot that is of very great value. I have just seen a copy of it during the last few days. There undoubtedly will be a heavy demand for that publication, and I would like to know to what extent it is to be published, if the gentleman knows.

Mr. PAGE. The department made no recommendation to the committee. There was no estimate made for any other publication.

Mr. MOORE of Pennsylvania. The publication is to be sold, is it?

Mr. PAGE. I believe so.

Mr. MOORE of Pennsylvania. Not allotted to Members of Congress to any large extent?

Mr. PAGE. There is an appropriation for printing, and it is available for printing this document to be put on sale.

Mr. MOORE of Pennsylvania. It is to be put on sale in the regular way?

Mr. PAGE. In the regular way.

Mr. MOORE of Pennsylvania. The copy I have seen is one of the most valuable waterways publications of which I have knowledge.

Mr. MANN. Buy it.

Mr. MOORE of Pennsylvania. I am perfectly willing to buy it for myself, answering the gentleman from Illinois, but there will be a very heavy demand for this publication whether it is for sale or for distribution through Members of Congress, and I do not think that any appropriation heretofore has been spent for the publication of an inland Coast Pilot. Am I right about that?

Mr. FITZGERALD. The proper course to pursue would be to introduce a resolution providing for printing it as a House document and putting at the disposal of Members a number of the documents.

Mr. MOORE of Pennsylvania. It contains diagrams and maps. It is a chart.

Mr. PAGE. I understand there is a provision of law that places 10 copies of this to the credit of each Member of Congress.

Mr. MANN. Ten what?

Mr. PAGE. Ten charts.

Mr. MOORE of Pennsylvania. I withdraw the pro forma amendment.

The Clerk read as follows:

BUREAU OF FISHERIES.

Office of commissioner: Commissioner, $6,000; deputy commissioner, $3,500; chief clerk, $2,400; accountant, $2,100; librarian, $1,500; clerks—1 of class 4, 3 of class 3, 1 to commissioner $1,600, 1 of class 1, 1 $1,000, 10 at $900 each; engineer, $1,080; 3 firemen, at $720 each; 2 watchmen, at $720 each; 5 janitors and messengers, at $720 each; janitress, $480; messenger boy, $360; 4 charwomen, at $240 each; in all, $44,980.

Mr. RAKER. Mr. Chairman——

Mr. FOWLER. Mr. Chairman, I make a point of order against the paragraph. The provision of the statute of January 20, 1888, provides as follows:

There shall be appointed by the President, by and with the advice and consent of the Senate, a person of scientific and practical acquaintance with fish and fisheries, to be a Commissioner of Fish and Fisheries, and he shall receive a salary at the rate of $5,000 a year, and he shall be removable at the pleasure of the President.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to amend by inserting in lieu of "$6,000," which was stricken out, "$5,000."

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

The amendment was agreed to.

Mr. FOWLER. I do not desire to press a point of order against the librarian at $1,500.

Mr. RAKER. Mr. Chairman, I would like to ask the gentleman in charge of the bill what is the total amount provided for under the Bureau of Fisheries, including the stations and all. I thought it was in the bill here, but I do not find the total. I would like to know what it is.

Mr. FITZGERALD. It is $989,140.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I simply want to call the committee's attention to a condition of the fisheries in the Truckee River. I do not suppose the committee would submit to an amendment placing on here an appropriation of $10,000 for putting a fish ladder in the Truckee River at the Derby Dam?

Mr. FITZGERALD. The committee has never carried an appropriation establishing a fish hatchery unless it was authorized by law. It must originate in the Committee on the Merchant Marine and Fisheries.

Mr. RAKER. I want to call the committee's attention to this: Here is something over $9,000 being expended in the propagation and handling of fish. Here is a dam, built by the Government at many millions of dollars' expense, on a stream well supplied with mountain trout and salmon trout from Pyramid Lake, into the recesses of the Truckee River and into Lake Tahoe, and within the last two years there has been a loss in fish of at least $150,000. Upon both sides of the stream during the running season, with this dam there, built by the Government and being maintained by the Government, practically loads upon loads of fish from 1 foot to 2½ feet long go to waste. There has been a slight appropriation of $2,000 for the dam, but the State of California and the State of Nevada, through their legislatures, are urging a proper dam to be built there.

I want to call the committee's attention to the fact of the expenditure of money in a matter of this kind, when there are such conditions as we actually have, a lake 60 miles in length by 22 miles wide, namely, Lake Pyramid, and then the river that flows into it, and having its source in the Sierra Nevada Mountains, a part of it in Lake Tahoe, where thousands, or at least $150,000, worth of property of the Government has been destroyed within the last two years, it does seem as though some provision ought to be made by which it can be prevented.

While we have a bill before the Committee on Irrigation, the matter has come so late it seems there ought to be some provisions made for that when, by the mere expenditure of a reasonable amount at this time, where it is necessitated by the Government work, it could be done. We might go ad libitum into building fish hatcheries, and have more superintendents and architects putting in stations to propagate fish and send them all over the country; and while we are doing that we idly permit the destruction of that property that we actually have and that is worth many hundreds of thousands of dollars to us. I did not know but that the committee might see its way clear to permit an amendment here at this time so as to prevent any possible question as to this matter. The fish commissioner of California and the fish commissioner of Nevada have looked into this matter. I have many affidavits on the subject and photographs showing the actual conditions. Of course, the Department of the Interior is taking some action, but the legislatures of these States and the authorities are persistent in the matter and proper relief should be given. The property of the Nation ought to be provided for, particularly where the Government itself goes in and builds these dams.

Mr. FITZGERALD. I think what the gentleman speaks of is fish ladders. They are not provided for.

Mr. RAKER. There would not be any way to get it in the bill at this time?

Mr. FITZGERALD. Provision is usually made for that in the act erecting the dam. It seems to me the Government engineers in erecting this dam for irrigation purposes should have made provision for the ladder.

Mr. RAKER. There is a small ladder, but it is not sufficient, as claimed by both States. And if a provision was to be made, it would tend to relieve the tension of the States of California and Nevada and bring about splendid results.

The Clerk read as follows:

Afognak (Alaska) Station: Superintendent, $1,500; foreman, $1,200; 2 skilled laborers, at $960 each; 3 laborers, at $900 each; cook, $900; in all, $8,220.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word, for the purpose of asking unanimous consent that I may submit, in connection with the remarks I made to-day in regard to the Yosemite Valley, two letters from the department touching those appropriations.

The CHAIRMAN. The gentleman from California [Mr. KNOWLAND] asks unanimous consent to extend his remarks in the RECORD by the insertion of two letters indicated by him. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Division of Alaska Fisheries: Chief of division, $3,500; assistant, $1,800; clerks—1 of class 2, 1 of class 1, 1 $900; 2 agents and caretakers, at $2,000 each; janitor service, fur-seal fisheries, $480; 2 physicians, Pribilof Islands, at $1,500 each; 2 school-teachers, Pribilof Islands, at $1,200 each; storekeeper, Pribilof Islands, $1,800; for the following, to be appointed by the Secretary of Commerce and Labor—agent, Alaska salmon fisheries, $2,500; inspector, Alaska salmon fisheries, $1,800; assistant agent, Alaska salmon fisheries, $2,000; assistant agent, Alaska salmon fisheries, $1,800; warden, Alaska service, $1,200; 4 deputy wardens, Alaska service, $900 each; in all, $33,380.

Mr. PAGE. Mr. Chairman, I ask unanimous consent that the paragraph just read may be passed over for the present because of the fact that two gentlemen who are interested in that paragraph are absent to-night, and one of them is a member of the committee.

Mr. MADDEN. Mr. Chairman, I offer an amendment to the paragraph, which I send to the Clerk's desk.

Mr. PAGE. Let the amendment be considered as pending.

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] asks unanimous consent that the paragraph may be passed over for the present, and the gentleman from Illinois [Mr. MADDEN] offers an amendment, which, without objection, will be considered as pending. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

On page 152, in line 16, strike out the words "two agents and caretakers, at $2,000 each," and insert in lieu thereof "agent, fur-seal fisheries, $3,650; assistant agent, fur-seal fisheries, $2,920; 2 assistant agents, at $2,190 each; naturalist, fur-seal service, $3,000." In line 18 of the same page strike out the word "two" and insert in lieu thereof the word "three." In line 24 of the same page strike out "$1,200" and insert in lieu thereof "$1,500." In line 1 of page 153 strike out "$900" and insert in lieu thereof "$1,200."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MADDEN. It is not subject to a point of order.

Mr. FITZGERALD. I want to find that out.

Mr. MADDEN. Mr. Chairman, I wish to ask, before consent to pass this paragraph over is given, is it the intention of the committee to finish the bill to-night and then go back to this item before we adjourn?

Mr. FITZGERALD. We can hardly finish the bill to-night, but we will do as much as possible. I doubt if we can finish the bill to-night. There are some matters that will probably take considerable time, and it will be necessary to dispose of them to-morrow.

Mr. MADDEN. I have no objection.

The CHAIRMAN. Without objection, the paragraph will be passed over.

There was no objection.

Mr. BURNETT. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] how long this will take?

Mr. FITZGERALD. Oh, an hour or two.

Mr. BURNETT. Then I make the point of no quorum.

Mr. FITZGERALD. I hope the gentleman will withhold his point.

Mr. BURNETT. I will withhold it for the present.

Mr. FITZGERALD. There are a number of items in the bill, routine matters, that are not controverted, and the committee can easily run through them.

Mr. BURNETT. I will withhold my point of no quorum for a short time.

The CHAIRMAN. The paragraph will be passed over with the amendment of the gentleman from Illinois [Mr. MADDEN] considered as pending and a point of order reserved on the amendment. The Clerk will read.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the moving, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, $335,000.

Mr. EDWARDS. Mr. Chairman, I wish to offer an amendment. I move to strike out the period after that paragraph, insert a comma, and insert the following language at the place I suggest, on line 15, page 153.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. EDWARDS].

The Clerk read as follows:

Amend, page 153, line 15, after the figures "335,000," by inserting the following:

"*Provided*, That not to exceed $25,000 of this amount shall be used for the establishment of a fish-cultural station in the State of Georgia, for the propagation of shad and other fishes, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point, to be selected by the Secretary of Commerce and Labor."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes a point of order against the amendment

Mr. MANN. Mr. Chairman, I call for the regular order.

Mr. EDWARDS. I would like, Mr. Chairman, to discuss the point of order.

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

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] makes a point of order, and the gentleman from Georgia [Mr. EDWARDS] desires to discuss the point of order.

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

Mr. MANN. Mr. Chairman, I will reserve a point of order; and, pending that, I make a request for unanimous consent that all Members who have an item which they wish to present as an amendment to any paragraph in this bill may have five minutes in which to advocate its adoption. [Laughter.]

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

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

The Clerk read as follows:

Inquiry respecting food fishes: For expenses of the inquiry into the causes of the decrease of food fishes in the waters of the United States, and for investigations and experiments in respect to the aquatic animals, plants, and waters, in the interests of fish culture and the fishery industries, including expenses of travel and preparation of reports, and for all other necessary expenses in connection therewith, $40,000.

Mr. MOORE of Pennsylvania. Mr. Speaker, I move to strike out the last word. I should like to ask to what extent this appropriation for an investigation of the destruction of fish has been used heretofore in relation to what are known as the menhaden fisheries along the coast? This item has been in the bill before——

Mr. FITZGERALD. So far as I am informed, there has been no investigation of the menhaden fisheries.

Mr. MOORE of Pennsylvania. To whom are these reports of investigations of the decrease of fishes made?

Mr. FITZGERALD. To the Secretary of Commerce and Labor.

Mr. MOORE of Pennsylvania. One of the reasons for the decrease of food fish in northern waters is the catches made by those who are known as menhaden fishers, who seek them for fertilizing purposes. It is commonly understood that food fish are very generally destroyed in this way. We have very little information on this subject, and I should like to know whether any reports have been made as the result of these expenditures heretofore.

Mr. FITZGERALD. I am not familiar with the reports that have been made. I know something about the menhaden fisheries. They take those fish for the oil and also utilize what is left for fertilizer.

Mr. MOORE of Pennsylvania. Forty thousand dollars a year is a large sum to spend for investigations of this kind. Where are the investigations made? In what particular waters are they carried on—inland waters or on the coast? The destruction of fish occurs very largely on the coast.

Mr. FITZGERALD. Inland waters, coast waters, lakes, and whatever places are called to the attention of the Commissioner of Fisheries.

Mr. MOORE of Pennsylvania. Forty thousand dollars is spent annually for this purpose. Can the gentleman give the net results of these investigations? The decrease of food fishes is a serious matter, which enters into the food supply and the cost of living. There is a decrease of food fishes in northern inland waters and along the north Atlantic coast. It is due to certain causes. If we spend $40,000 a year to investigate, why can we not ascertain what the causes are?

Mr. EDWARDS. That same condition exists all down the Atlantic coast.

Mr. MOORE of Pennsylvania. There are reasons why the fish disappear, and some of them are not wholly natural. The spreading of oil upon the water is one reason, the catching of food fish for fertilizer is another reason. Are we getting any results from the expenditure of $40,000 a year for this purpose?

Mr. KENDALL. Somebody suggested yesterday that the food fishes on the Pacific coast were being taken by great corporations that were converting them into fertilizer. Is that true or not?

Mr. MOORE of Pennsylvania. I am trying to find out whether we get any results from this expenditure.

Mr. FITZGERALD. The committee went very exhaustively into this matter last year. The Commissioner of Fisheries made this statement:

The scientific investigations of the bureau are directed primarily to the improvement of methods of fish culture, to the determination of the conditions in lakes and streams with respect to the introduction of fishes, and the development of fisheries, such, for instance, as those for oysters, sponges, etc., which, from their nature, are not susceptible of benefit by means of the ordinary methods of fish culture. Some of the recent results obtained are as follows: Inquiries resulting in the improvement of the oyster laws and methods of oyster culture of Delaware, Maryland, North Carolina, South Carolina, Alabama, and Louisiana. In the latter State the oyster fishery has risen from 959,000 bushels to 4,504,000 bushels per annum. Since the adoption of the bureau's recommendations thousands of acres of previously barren bottoms are now productive. The oyster fishery of the United States has an annual value to the fisherman of $16,000,000.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me, I do not care to have him read all that——

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

Mr. MOORE of Pennsylvania. I ask for two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks for two minutes more. Is there objection?

There was no objection.

Mr. FITZGERALD. I am giving the information the gentleman requested as to the value of these investigations and their character.

Mr. MOORE of Pennsylvania. I do not think it answers the question that I put to the gentleman a moment ago. Forty thousand dollars a year is being spent, for what purpose? For an inquiry into the causes of the decrease of food fishes in the waters of the United States. Now, we have no information as to whether we have investigated the cause of the decrease, because apparently the causes are not reported. Even if they were reported, we have nothing to show that the $40,000 expenditure results in any steps taken to prevent the decrease.

Mr. FITZGERALD. The gentleman is mistaken. The reports are published, but I do not have time to read the reports of all of the investigations made by the departments of the Government.

Mr. MOORE of Pennsylvania. I understand that, but there ought to be some justification before the committee of the expenditure of $40,000, and some remedy should be applied.

Mr. FITZGERALD. I was trying to give the gentleman information, but he declines to permit me. These reports are very full and lucid, and I would be very glad to have the gentleman read them himself at his leisure.

Mr. MANN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MANN. What makes the gentleman say that there are $40,000 expended for inquiry into the causes of the decrease of food fishes?

Mr. MOORE of Pennsylvania. Because that is what the paragraph states, beginning on line 21 and line 22.

Mr. MANN. Then it says, "And for investigations and experiments in respect to the aquatic animals, plants, and waters in the interests of fish culture," and so forth. That is what the money is expended for.

Mr. MOORE of Pennsylvania. We are inquiring into what everybody knows to be the true reason for the decrease of food-fish supply in the northern waters.

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

The Clerk read as follows:

Alaska fur-seal fisheries protection and support: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, traveling expenses and subsistence for caretakers while on said islands, and for all other expenses necessary to carry out the provisions of the act approved August 24, 1912, entitled "An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911," and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $75,000.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if this includes an appropriation for the sale of the skins at these islands?

Mr. FITZGERALD. I am not sure out of which particular appropriation the expenses of travel and selling the skins are paid.

Mr. HARRISON of Mississippi. Has the gentleman got any information as to what revenue was derived last year from the sale of the skins?

Mr. FITZGERALD. Three hundred and some odd thousand dollars.

Mr. HARRISON of Mississippi. The reason I ask is that since they have stopped pelagic killing I thought they would get a larger revenue than they did formerly.

Mr. FITZGERALD. Under the recent treaty all killing is stopped for a period of five years except such killing as may be necessary to furnish fresh meat to the natives.

Mr. HARRISON of Mississippi. Does the gentleman know whether the revenue was increased last year?

Mr. FITZGERALD. The last sale was under the former law. I will give the gentleman the exact figures.

Mr. KENDALL. Has there been any previous appropriation under this head?

Mr. FITZGERALD. Yes.

Mr. KENDALL. What was the amount of the appropriation last year?

Mr. FITZGERALD. Ninety thousand dollars.

Mr. KENDALL. Has the gentleman any information as to how the money was disposed of?

Mr. FITZGERALD. Yes.

Mr. KENDALL. For whom?

Mr. FITZGERALD. They expended it largely in the purchase of supplies which are sent up to the Pribilof Islands to be distributed among the natives.

Mr. KENDALL. I think the gentleman is mistaken in saying that the money that went up to support the natives came out of this appropriation.

Mr. FITZGERALD. It does come out of this appropriation.

Mr. KENDALL. I know it is in this bill.

Mr. FITZGERALD. This very item says "including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands."

Mr. KENDALL. Has that language been in former appropriations?

Mr. FITZGERALD. Yes. That part of the provision is not changed. This is the item out of which that is paid.

The Clerk read as follows:

For the construction of two steel cars for the distribution of useful food fishes to take the place of cars Nos. 2 and 5, obsolete and unsafe, $30,000.

Mr. SISSON. Mr. Chairman, I will ask the gentleman from New York how many of these cars they have.

Mr. FITZGERALD. I think there are four cars, but they are all of wood. They are very old, and a number of railroads do not permit wooden cars to be put in trains.

Mr. SISSON. My purpose in asking is because in a great many sections of the country, and especially in the section I represent, there has been some little trouble in getting the fish distributed on time, and the complaint has been that it is because of lack of cars.

Mr. FITZGERALD. They need the cars and they should be built of steel to meet modern conditions.

The Clerk read as follows:

For payments to be made to Great Britain and Japan under the terms of article 11 of the convention for protection and preservation of the fur seal and sea otters in lieu of their share of sealskins for the yearly seasons of 1912 and 1913, and in accordance with the act of August 24, 1912, to give effect to the above-named convention, of which amount the sum of $20,000 shall be immediately available, $40,000.

Mr. HELM. Mr. Chairman, it is now about 25 minutes after 10 o'clock. We are starting on a new heading in the bill, and it occurs to me that there is no quorum present.

Mr. FITZGERALD. Mr. Chairman, I suggest to the gentleman that I have to start in at 9 o'clock in the morning. I desire to finish this bill and then prepare the general deficiency bill. I think the gentleman should permit us to work at least as long as the House is willing to stay, so that we may finish what we can that is not controverted. I would like to finish the work, and unless I am permitted to work 17 or 18 hours a day it can not be done.

Mr. HELM. Mr. Chairman, I am afraid the gentleman will overwork himself, and I make the point of no quorum.

The CHAIRMAN. The gentleman from Kentucky makes the point of no quorum. The Chair will count. [After counting.] Eighty-three Members present; not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 28775, the sundry civil bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 26 minutes p. m.) the House adjourned until to-morrow, Friday, February 21, 1913, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of New River from Radford, Va., to Hinton, W. Va. (H. Doc. No. 1410); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

2. A letter from the Acting Secretary of Commerce and Labor, transmitting a list of useless papers on file in the department, and requesting authority to destroy the same (H. Doc. No. 1409); to the Committee on Disposition of Useless Executive Papers 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. HOWLAND, from the Committee on the Judiciary, to which was referred the bill (S. 7385) to relinquish the claim of the United States against the grantees, their legal representatives and assigns, for timber cut on Petaca land grant, reported the same without amendment, accompanied by a report (No. 1554), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEE of Georgia, from the Committee on War Claims, to which was referred the resolution (H. Res. 850) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138), reported the same with amendment, accompanied by a report (No. 1553), 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. FARR, from the Committee on Claims, to which was referred the bill (S. 7488) for the relief of George L. Thomas, reported the same without amendment, accompanied by a report (No. 1555), which said bill and report were referred to the Private Calendar.

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill (H. R. 5448) for the relief of Fred A. Emerson, reported the same with amendment, accompanied by a report (No. 1556), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GODWIN of North Carolina: A bill (H. R. 28810) to authorize the Virginia & Carolina Southern Railroad Co. to construct a bridge across the Lumber River at or near the town of Lumberton, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: A bill (H. R. 28811) to reduce the number of officers of the Army; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 28812) making appropriations for the naval service for the fiscal year ending June 30, 1914, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. HOUSTON: A bill (H. R. 28820) providing for the publication of the Official Register of the United States; to the Committee on the Census.

By Mr. HUMPHREYS of Mississippi: A resolution (H. Res. 855) to extend the jurisdiction of the Committee on Rivers and Harbors; to the Committee on Rules.

By Mr. BURLESON: A Resolution (H. Res. 856) to nonconcur in gross in Senate amendments to H. R. 28499; to the Committee on Rules.

By Mr. WEBB: A resolution (H. Res. 857) directing the Attorney General to furnish the House of Representatives with certain information; to the Committee on the Judiciary.

By Mr. PETERS: Resolutions of the general court of the Commonwealth of Massachusetts, favoring the establishment of an international commission on the cost of living; to the Committee on Foreign Affairs.

By Mr. CALDER: Joint resolution of the Senate and House of Representatives of the Legislature of the State of Wyoming, ratifying an amendment to the Constitution of the United States granting Congress the power to levy a tax on incomes; to the Committee on Ways and Means.

By Mr. LA FOLLETTE: Senate joint memorial of Washington State Legislature, asking Government resurvey of Palouse irrigation project, Franklin County, Wash.; to the Committee on Irrigation of Arid Lands.

Also, senate joint memorial of Washington State Legislature, urging legislation by Congress to restrict immigration of undesirable foreigners; to the Committee on Immigration and Naturalization.

Also, senate joint memorial of Washington State Legislature, urging passage of H. R. 5966, providing monuments to mark the Oregon trail; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAMLIN: A bill (H. R. 28813) granting an increase of pension to George T. Johnson; to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 28814) for the relief of Hannibal E. Peck; to the Committee on War Claims.

Also, a bill (H. R. 28815) granting a pension to Daisy D. Knox; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 28816) for the relief of Bert Harris; to the Committee on Claims.

By Mr. VOLSTEAD: A bill (H. R. 28817) granting a pension to Ervin Everson; to the Committee on Pensions.

Also, a bill (H. R. 28818) granting an increase of pension to Rosa C. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 28819) granting an increase of pension to Clara M. McCrady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Builders' Exchange League, of Pittsbugh, Pa., favoring the passage of the McLean bill providing for the protection of all migratory birds; to the Committee on Agriculture.

By Mr. ALLEN: Petition of the United Mine Workers of America, Columbus, Ohio, favoring the passage of legislation for an investigation of the West Virginia coal strike; to the Committee on Labor.

By Mr. ANDERSON: Petition of business men of Fountain, Minn., favoring the passage of legislation to compel concerns selling direct to the consumer by mail to pay their share in the expenses for building up the local community—county and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of Weed & Kennedy, of New York, favoring the passage of Senate bill 6497, introduced by Mr. McLEAN, for the protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Retail Dry Goods Association, New York, protesting against the passage of House bill 27148, for transferring the classification of books from third to fourth class; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. John B. Salo, Brooklyn, N. Y., favoring the passage of House bill 25685, for the labeling of all goods and articles intended for sale under interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Geiger Spring and 5 other citizens of New York, favoring the passage of House joint resolution 393, providing for the giving of gold medals to all the Gettysburg survivors on the occasion of the fiftieth aniversary, July, 1913; to the Committee on Military Affairs.

Also, petition of the Merchants' Association of New York, favoring the passage of legislation for the adoption of the national budget and for changing laws and practices now regulating Federal expenditures; to the Committee on Ways and Means.

Also, petition of members of the Loyal Legion and others, favoring the passage of the bill recommending the adoption of the Star Spangled Banner as the national anthem; to the Committee on the Library.

By Mr. DAVIS of Minnesota: Petition of the Audubon Society of Gaylord, Minn., and the Gohper Campfire Club, of Hutchinson, Minn., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Minnesota State Dairymen's Association, favoring the passage of a law defining the percentage of butter fat legal butter should contain; to the Committee on Agriculture.

Also, petition of the Minnesota State Senate, favoring the passage of Federal legislation authorizing national banks to make loans on farm-mortgage securities; to the Committee on Banking and Currency.

Also, petition of the Minnesota Educational Association, favoring the passage of legislation for the establishment of a national university in Washington, D. C.; to the Committee on Education.

Also, petition of the Fergus Falls (Minn.) Scandinavian Temperance Union, favoring the passage of the Kenyon-Sheppard bill, preventing the shipment of intoxicating liquors into dry territory; to the Committee on the Judiciary.

Also, petition of the Dakota County (Minn.) Good Roads Association, favoring the passage of the bill for Federal aid for road construction; to the Committee on Agriculture.

Also, petition of the Minnesota State Dairymen's Association, Nicollet, Minn., favoring the passage of the Haugen bill for preventing any fraud and deceit to be practiced on the producer and consumer of pure butter; to the Committee on Agriculture.

By Mr. DYER: Petition of the Cook County Truck Gardeners' Association, of Riverdale, Ill., protesting against legislation for

the reduction of the present tariff on sugar; to the Committee on Ways and Means.

Also, petition of the National Liquor League of the United States, Chicago, Ill., and Joseph Delabar, St. Louis, Mo., favoring the passage of legislation eliminating the item appropriating $5,500 for sending delegates to the International Congress on Alcoholism; to the Committee on Foreign Affairs.

Also, petition of H. E. Willis, national legislative representative of the Brotherhood of Locomotive Engineers, Washington, D. C., favoring the passage of the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Second Baptist Church, George A. Edgar, Northern Baptist Convention, St. Louis Christian Ministers' Association, and Oak Hill Presbyterian Church, all of St. Louis, Mo., favoring the passage of the Kenyon-Sheppard interstate liquor bill (S. 4043) prohibiting the shipment of intoxicating liquors into dry territory; to the Committee on the Judiciary.

Also, petition of the Missouri Naval Reserves, St. Louis, Mo., favoring early action by Congress on the Naval Militia bill (H. R. 2588) for promoting the efficiency of the Naval Militia, etc.; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of 150 Methodist Episcopalians of Reedsburg, Wis., favoring the passage of the amendment to House bill 27876 providing for the closing of the gates of the Panama-Pacific Exposition on Sundays; to the Committee on Industrial Arts and Expositions.

Also, petition of the Cook County Truck Gardeners and Farmers' Association, Riverdale, Ill., protesting against the passage of legislation for the reduction of the present tariff on sugar; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of the General Court of Massachusetts, favoring the passage of a bill for the establishment of an international commission on the high cost of living; to the Committee on Foreign Affairs.

By Mr. GOULD: Petition of citizens of Boston, Mass., favoring the passage of the McLean bill (S. 6497), for protection of migratory birds; to the Committee on Agriculture.

By Mr. HAYES: Petition of San Jose Grange, No. 10, Patrons of Husbandry, of San Jose, Cal., and the Audubon Society of San Francisco, Cal., favoring the passage of Senate bill 6497, for protection of migratory birds; to the Committee on Agriculture.

Also, petition of the Woman's Club of Palo Alto, Cal., favoring the passage of legislation making further appropriations for the suppression of the white-slave traffic; to the Committee on Appropriations.

Also, petitions of Flournoy Carter, of Oxnard; Henry D. Hall, of Santa Cruz; George L. Reese, of Ventura; W. C. Werry, of Palo Alto; H. F. Kenworthy, of Salinas; Leslie W. Fritz, of Pacific Grove; Lillian F. Billings, of Santa Clara; George E. Kirby, of San Luis Obispo; L. R. Hunt, of Santa Barbara; Minnie W. Kenney, of Monterey; and Fred W. Suter, of Gilroy, all of the State of California, favoring the passage of the bill placing assistant postmasters in classified service; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: Petition of E. A. H. Beyland and others, favoring the passage of House bill 22641, providing that storekeepers, gaugers, and storekeeper-gaugers shall be allowed actual expenses not exceeding $1 while on duty under assignment away from their legal residence; to the Committee on Expenditures in the Treasury Department.

Also, petition of John Bodwell, Paxton, Ill., favoring the passage of House bill 1339, granting an increase of pension to veterans of the Civil War who lost an arm or leg; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of the school children of Ontario, Cal., favoring the passage of the Weeks bill, for the protection of migratory birds; to the Committee on Agriculture.

By Mr. RUCKER of Colorado: Petition of the Ladies' Auxiliary, No. 27, N. A. L. C., Denver, Colo., favoring the passage of the Hamill bill, providing for the retirement of aged and infirm civil-service employees; to the Committee on Pensions.

By Mr. STEPHENS of Texas: Petition of numerous merchants of the thirteenth congressional district of Texas, favoring the passage of legislation compelling concerns selling direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Petition of the National Civic Federation, New York, N. Y., favoring the passage of the Federal workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of Senate bill 8114, preventing discriminations in the Panama Canal tolls; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Protective Tariff League, favoring the repeal of section 2 of the reciprocity act for the protection of the paper and pulp industry; to the Committee on Ways and Means.

By Mr. VREELAND: Petition of North Otto Grange, No. 990, Otto, N. Y., favoring the passage of the McLean bill, granting Federal protection to all migratory birds; to the Committee on Agriculture.

By Mr. WILSON of New York: Petition of the Electrotypers' Board of Trade of New York, protesting against the passage of House bill 27148, placing books, etc., under the head of fourth-class matter; to the Committee on the Post Office and Post Roads.

By Mr. YOUNG of Texas: Petition of citizens of Tyler, Tex., favoring the passage of the Haugen bill for preventing practices of fraud on the producer and consumer of pure butter; to the Committee on Agriculture.

SENATE.

FRIDAY, *February 21, 1913.*

Rev. William Alexander Major, D. D., of Seattle, Wash., offered the following prayer:

We thank Thee, O God, that we believe that Thou art, and that Thou art a rewarder of those who diligently seek Thee. Thou art the God of Abraham, Isaac, and Jacob. Thou art the God of Abraham Lincoln. Thou art the God of our forefathers. Thou art our God.

We thank Thee, our heavenly Father, for all the good that has come to us. We bless Thee for the good that is coming. We thank Thee that we live in the best day the world has seen. We rejoice that our lawmakers and our ministers of justice are doing for the world to-day a splendid work. We thank Thee, O God, for the broad spirit of brotherhood which is pervading the world and which is constantly, certainly moving us upward. We praise Thee, O God, that each man is coming into his own. We rejoice that a little one is becoming a thousand, and at the promise that every weak nation shall become a great nation.

We pray that the Senate of the United States may more and more have men whose service and sacrifice shall bring glory to Thee and good to every individual. We bless Thee this morning for the inheritance on which we have fallen, and we thank Thee that in the face of the alarmist we to-day look upon conditions the like of which for good, the promise of which for good, the world has never seen. For the inheritance from our fathers we thank Thee to-day. Not unto us, O God, not unto us, but unto Thy name be glory, for Thy mercy and Thy truth's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POST OFFICE AT BRISTOL, VA. (S. DOC. NO. 1100).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 19th instant, the original copies of all petitions both for and against the establishment of the post office at Bristol, Va., and also the original copies of all reports of post-office inspectors detailed to make an investigation thereof, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

CONTINGENT FUND, SECRETARY OF WAR (S. DOC. NO. 1096).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting a supplemental estimate of appropriation in the sum of $10,000 for a contingent fund for the Secretary of War, for investigation and experimentation and to secure better methods of administration with a view to increased efficiency and greater economy in the transaction of public business, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

DOROTHY E. BACON V. UNITED STATES (S. DOC. NO. 1099).

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Dorothy E. Bacon, widow of Francis H. Bacon, deceased, *v.* The United States, which;