

present form; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Employees' Association, Philadelphia Navy Yard, favoring the Philadelphia Navy Yard for the location of the new dry dock; to the Committee on Naval Affairs.

By Mr. SELLS: Petition of citizens of the first congressional district of the State of Tennessee, favoring the passage of the Lindquist pure-fabric law; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Greenville, Elizabethtown, Johnson City, Erwin, Bristol, and Jonesboro, of the State of Tennessee, favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petition of White Pine Lumber Co., of Detroit; Detroit Passenger Club; Grand Rapids Association, of Grand Rapids; Transportation Club of Detroit; J. R. Russell, of Detroit; council of the city of Benton Harbor; Benton Harbor Development Co., all in the State of Michigan; and the Maritime Association of the Port of New York, protesting against the La Follette seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of the third district of Michigan, favoring the passing of the pure fabric and leather bill introduced by Mr. FRANCIS O. LINDQUIST; to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance of the State of New York, protesting against the passage of the Burnett immigration bill; to the Committee on Immigration.

By Mr. STEPHENS of California: Memorial of the San Francisco Labor Council, favoring the passage of House bill 1873 and Senate bill 927, relative to antitrust and injunction measure; to the Committee on the Judiciary.

Also, memorial of the council of the city of Richmond, Cal., favoring legislation by Congress of flood control; to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: Petition of the South St. Paul (Minn.) Branch of National Association of Employees, Bureau of Animal Industry, favoring the passage of House bill 9292 to classify the salaries of veterinary inspectors, meat inspectors, etc.; to the Committee on Agriculture.

Also, petition of the Minneapolis Civic and Commerce Association of Minneapolis, Minn., favoring the passage of legislation to employ consulting architects by the Treasury Department by waiving civil-service rules and regulations; to the Committee on Public Buildings and Grounds.

## SENATE.

SATURDAY, December 20, 1913.

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of yesterday's proceedings was read and approved.

ANNUAL REPORT OF INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 503).

The VICE PRESIDENT laid before the Senate the twenty-seventh annual report of the Interstate Commerce Commission for the fiscal year ended December 15, 1913, which was referred to the Committee on Interstate Commerce.

### INDIAN TUBERCULOSIS SANITARIUM AND YAKIMA INDIAN RESERVATION.

Mr. ROBINSON. Mr. President, on behalf of the joint commission created pursuant to a provision of the act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914, approved June 30, 1913, "for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation, and for the use and benefit of the Indians of said reservation." I submit a report.

The Indian appropriation act approved June 30, 1913, created two joint commissions to investigate Indian affairs. One of these commissions, composed of three Members of the Senate and three Members of the House of Representatives, was charged with the very important and arduous duty of probing into the condition of the Indian service with a view to reforming existing abuses in its administrative methods and policies. The other joint commission was directed to investigate and submit

before the 1st of January, 1914, its findings and recommendations touching two radically different but highly important details connected with the Indian service. Undoubtedly the entire work of both commissions could have been intrusted to one, and the creation of two commissions instead of one is probably the result of a legislative entanglement which arose during the consideration by the respective Houses of Congress of the Indian appropriation act referred to.

The Indian Affairs Committee of the Senate, to whom were presented many complaints of fraud and maladministration in the Indian service, finding itself unable, for lack of time and funds, to thoroughly look into all of these complaints, inserted an amendment in the bill providing for the creation of a joint commission of Congress, composed of three Members of each House, to investigate the Indian service generally, and provided an appropriation of \$50,000 for that purpose. In conference this amendment was modified and the appropriation reduced to \$25,000.

While the said Indian appropriation bill was under consideration in the Senate an amendment contemplating the establishment of a tuberculosis sanitarium in New Mexico for the benefit of Indians generally throughout the United States, and carrying \$100,000 for that purpose, was inserted. A controversy, extending over many years, having arisen in the State of Washington concerning disputed water rights of water users in the Yakima Basin, Wash., claiming adversely to water users on the Yakima Indian Reservation within said basin, an amendment was inserted by the Senate appropriating \$1,800,000, asserted to be the proportionate share of costs properly assessable against the Government to provide storage waters sufficient to meet the requirements of said reservation.

In lieu of these two amendments the conference inserted a paragraph providing for a joint commission of Congress, to be composed of four Members, two from each House, to investigate and report upon these two important subjects. Considering the far-reaching importance of the two subjects and the extension and modification of policies prevailing in the Indian service implied by the adoption of these two amendments, it was deemed wise to first obtain full information concerning them before committing Congress to the expenditures which their adoption would make necessary.

The Senator from Arkansas [Mr. ROBINSON], the Senator from Michigan [Mr. TOWNSEND], and Representatives STEPHENS of Texas and BURKE of South Dakota were appointed to constitute the joint commission to determine the two subjects mentioned. Probably for convenience and purposes of economy these four were also made members of the commission of six to investigate Indian affairs generally, Senator LANE, of Oregon, and Representative CARTER, of Texas, being the other two members.

Both commissions have been actively engaged in performing their duties. So far as consistent with the nature and the character of the same, the work of the two commissions has proceeded concurrently. The task assigned the commission to investigate Indian affairs generally is comprehensive; its powers and authority to inquire into the Indian service and recommend reforms is limited only by the funds available for its uses. It is not contemplated that this work shall be completed within a short time. It will be carried forward just as rapidly and zealously as circumstances may permit. The smaller commission, however, whose jurisdiction is limited to the two subjects already referred to, has completed its labors and submitted its findings and recommendations. These, together with the testimony taken by the commission, will be available for the use of Congress when it assumes to determine the respective matters comprehended in the report of this commission.

Let me now submit to the Senate, in conjunction with the report, a brief statement and explanation of the work and findings of this commission, pursuing the subject inversely to the order observed in the report.

#### THE YAKIMA IRRIGATION CONTROVERSY.

The commission believe that grave injustice has been done the Yakima and associated Indians by the Government of the United States in depriving them of waters and water privileges necessary in the cultivation of the irrigable lands on the Yakima Indian Reservation and to which the Indians equitably and in good faith are entitled. We also believe that it is the duty of Congress to set a precedent for justice and fair dealing by promptly and completely righting this wrong. We have worked out with some care the means and methods by which, in our judgment, this may be accomplished.

The subject is not without difficulty. The inquiry has involved many disputed facts, some of doubtful materiality, complicated principles of law, and policies of far-reaching public importance.

## THE TREATY OF 1855.

The treaty of 1855, ratified in 1859, under which the Government acquired a vast area of land in the State of Washington from these Indians, and under which the Indians reserved an area nearly 200,000 acres in extent, known as the Yakima Indian Reservation, contains no express reference to irrigation or to water rights. When this treaty was entered into little progress had been made in any part of the United States in the irrigation of arid lands. Probably neither the representatives of the Government nor the Indians making the treaty then regarded water privileges as of controlling importance. This probably accounts for the fact that the treaty contains no express stipulation concerning water rights and privileges.

Certain exclusive rights were, however, reserved in the treaty to the Indians:

The exclusive right of taking fish in all the streams running through or bordering said reservation is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with citizens of the territory, and of erecting temporary buildings for curing them, together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.

Fishing and hunting were the principal occupations of these Indians when the treaty was made. But it was the desire and policy of the Government to convert them from a nomadic into an agricultural people. This seems to be generally admitted to be the paramount purpose of the Government in entering into the treaty with the Indians. This is the opinion of ex-Secretary of the Interior Fisher, under date of January 23, 1913, expressed in the following language:

The Indian treaty negotiated in 1855 and ratified in 1859 was to make possible the permanent settlement of the Yakima Indians and their transformation into an agricultural people; to reserve an abundance of land and of water rights out of which the real needs of the Indians for farms and for irrigation water for such farms could be satisfied as such needs might be determined by Congress or its duly authorized executive agents.

None of the lands—that is, no considerable area thereof—were then or are now, susceptible of farming without irrigation. If this interpretation of the treaty be indorsed, namely, that its primary design was to convert the Indians into an agricultural people, it is difficult to escape the conclusion that it was the duty of the Government to reserve sufficient water for the use of the Indians on the reservation to carry out this purpose; and, failing to reserve such water flowing in the streams, to provide an adequate supply by storage and without cost to the Indians. This construction is somewhat strengthened by the fact that the Indians began to irrigate lands on the reservation about the time the treaty was made. The area of irrigated lands on the reservation were gradually extended until by 1897 the reservation system, according to the report made by William Redman, June 30, 1897, a Government engineer, the system was capable of irrigating about 50,000 acres by the construction of more lateral ditches.

## CONTROVERSY CONCERNING WATER RIGHTS IN THE YAKIMA BASIN.

While the Indians began the construction of crude irrigation works on the reservation about the time of the ratification of the treaty, 1859, in the course of time white settlers began to locate upon and cultivate land on the opposite side of the Yakima River and to take water from the river for irrigation purposes. These appropriations were made for lands, some of which were located above the reservation, while the greater portion of the same were on what is now known as the Sunnyside irrigation project, which has an irrigable area of 102,000 acres, and on which approximately 75,000 acres are now irrigated. With the development of these irrigation works controversies began to arise as to the priority of rights. The reservation irrigation projects proceeded slowly, embarrassed by the fact that the Indians were not disposed to engage in agriculture, and on the whole were inclined to adhere to their traditional characteristics and occupations. The superintendent of the Yakima Indian Reservation, February 19, 1903, filed on 1,000 cubic feet of water per second of time for the use and benefit of water users on the reservation. In 1896 work was begun by the Irrigation Division of the United States Indian Service on the reservation. A main canal with the capacity of 210 cubic feet of water per second and about 12½ miles in length, with five laterals aggregating approximately 12 miles, was reported by Engineer Redman in 1897; also the Toppenish Canal, with the capacity of 104 cubic feet of water per second, 3.2 miles long, with four laterals, in all about 2 miles in length, making a total carrying capacity of about 315 cubic feet of water per second, with laterals about 14 miles in all for the distribution of water. This does not include the provision made near the head of the main canal for diverting from the Yakima River about 200 cubic feet of water per second into a natural

slough which runs in a southeasterly direction about 12 miles and empties into the Toppenish Creek.

It appears to have been generally believed in that locality that priority of water rights from the Yakima River depended entirely on priority of appropriations to actual use. Accordingly when the superintendent of the reservation filed on the 1,000 cubic feet per second of water for the reservation, the white settlers, having appropriated to actual use almost the entire low-water flow of the river, instituted injunction suits in the State courts contesting the rights and claims of water users on the reservation. These suits occasioned great disturbance and anxiety among the water users, both on and off the reservation, stopped development, and gave promise of a prolonged controversy. The Secretary of the Interior, Mr. Hitchcock, undertook to effect a compromise of all the disputed water rights in the Yakima Basin. He arbitrarily allowed the Yakima Indian Reservation 147 second-feet, which was less than the amount required to irrigate the land then in cultivation on the reservation from the system actually in operation. The injunctions against the reservation water users were in force, and the lands actually in cultivation were limited and reduced thereby. While the Indians and water users on the reservation do not appear to have been agreed as to the amount of water to which the reservation was entitled, or even to have been unanimous in their contention as to the proper basis upon which such rights could be determined, this adjustment by former Secretary Hitchcock was so manifestly insufficient to afford the reservation lands then in cultivation a sufficient water supply, to say nothing of the very large irrigable area on the reservation still unreclaimed, that universal discontent and dissatisfaction arose. The subject was agitated. Complaints increased and gathered volume during succeeding years, until August 24, 1912, when the Indian appropriation act for that year was approved and the following provision of law adopted:

That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable, and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project, and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto.

Under the above authorization and requirement extended investigations were made and a report submitted as House Document No. 1299, being a communication from the Secretary of the Interior, transmitting a joint report of the supervising engineer of the Reclamation Service, superintendent, and supervising irrigation engineer of the Indian service, on the condition of the Yakima Indian Reservation with reference to irrigation. This report is valuable, exhaustive, and in many respects comprehensive of the entire subject. It is available for the use of Members of Congress, and we have not seen fit to embody the same in the report of the commission.

Secretary Fisher, in submitting this report, made the following statement:

Secretary Hitchcock had lawful authority to limit the rights of the Indians in the low-water flow of the Yakima River and the limitation thereof to 147 cubic feet per second, which was a part of the general settlement of water rights in the valley, is valid and binding. Any other conclusion would involve the acceptance of the doctrine that the Indians, by virtue of the treaty of 1855, ratified in 1859, then acquired a vested right in the water flowing in the Yakima River, which is undetermined, and must forever remain undeterminable as to quantity; for it is contended that it is to be measured at any given time by what then appears to be the duty of water for that area, of which, from the economic and engineering standpoint, it is then feasible to irrigate; that it must be measured 50 years hence by what then appears the duty of water for the area which it then appears feasible to irrigate, and so for any point of time in the future. This would make it impossible to measure the future water rights of the Indians at any future time; would prevent all irrigation development outside of the Indian reservation; and would amount to a reservation of the total flow of the river, without any obligation on the part of the Indians to utilize the water, which might thus flow forever unused to the sea. The Indian treaty negotiated in 1855 and ratified in 1859 was to make possible the permanent settlement of the Yakima Indians and their transformation into an agricultural people; to reserve an abundance of land and of water rights out of which the real need of the Indians for farms and for irrigation water for such farms could be satisfied as such needs might be determined by Congress or its duly authorized executive agents. It was not intended to reserve either lands or water rights above that measure, or to restrict the authority of Congress, or of the Secretary of the Interior under the authority of Congress, to determine the measure of the water rights needed by the Indians.

Nevertheless it now appears that such limitation placed the Indian water rights at a lower amount than sound administration and the real needs of the Indians require. Therefore steps should now be taken to provide the Indians with additional water up to such amount without cost to them, but without questioning the legality and binding effect of Secretary Hitchcock's limitation. The best method for doing this is to furnish stored water to the Indians free of construction cost for storage up to the amount which originally have been reserved for them.

The joint commission of Congress does not acquiesce in, but repudiates, the compromise made by Secretary Hitchcock, awarding 147 second-feet of water from the low-water flow of the Yakima River to the reservation as inadequate, unjust, and unfair to the Indians. The attempt by former Secretary Fisher to justify it, while at the same time declaring the necessity for a more liberal allowance of water, is difficult to comprehend. Analyzed and condensed, it can not mean anything more than that Secretary Hitchcock had legal authority to determine the question, but in the exercise of this authority abused his discretion and rendered a decision grossly unfair.

The case of *Winters v. The United States* (207 U. S., 564) had not then been decided. That case is in some respects analogous to the one under consideration. It supports the theory that there was an implied reservation in the treaty of 1855 of sufficient water from the Yakima River for the purpose of irrigating the lands reserved, and in connection with *Winans v. United States* (198 U. S., 381) supports strongly the proposition that inasmuch as the treaty of 1855 was a grant of rights by the Indians and not a grant of rights to them, all rights not expressly or impliedly granted are reserved.

In *Winters v. United States* the court says:

The Indians had command of the lands and the waters—command of all their beneficial use, whether kept for hunting, "and grazing roving herds of stock," or turn to agriculture and the arts of civilization. Did they give up all this? Did they reduce the area of their occupation and give up the waters which made it valuable or adequate? And, even regarding the allegation of the answer as true, that there are springs and streams on the reservation flowing about 2,900 inches of water, the inquiries are pertinent. If it were possible to believe affirmative answers, we might also believe that the Indians were awed by the power of the Government or deceived by its negotiators. Neither view is possible. The Government is asserting the rights of the Indians. \* \* \* On account of their relations to the Government, it can not be supposed that the Indians were able to exclude by formal words every inference which might militate against or defeat the declared purpose of themselves and the Government, \* \* \*

The commission undertook to find the basis upon which former Secretary Hitchcock's decision was grounded. It was asserted by some professing familiarity with the subject that the award of 147 second-feet of water for the reservation and 650 second-feet for nonreservation water users was based on the actual amount of water then appropriated. According to the best information obtainable, Secretary Hitchcock, in fact, allowed for the reservation less water than was then required to irrigate the lands actually in cultivation, while the allowance of 650 second-feet was sufficient to irrigate probably 20,000 acres more than the total area of nonreservation lands then under cultivation and irrigated from the Yakima River.

Mr. SMITH of Arizona. In reference to the statement of the Senator from Arkansas relative to the cubic feet per second allowed under Secretary Hitchcock's order, I wish to ask whether he allowed a less amount than was in actual use by the Indians at the time?

Mr. ROBINSON. Yes; the commission so finds.

Mr. SMITH of Arizona. That the order allowed less than the Indians were actually using?

Mr. ROBINSON. Yes; and in addition to that, as I have already said, at the time of this finding injunction suits were in force which had reduced the amount of the water that was being used on the reservation. I shall conclude my discussion of this feature of the subject in just a few moments.

The half-hearted efforts of former Secretary Fisher to justify this unfair decision is shocking to an unprejudiced and fair mind.

Whatever complicated issues of law may be involved in this controversy, our Government should carry out in good faith its treaty with the Indians, and if the United States refuses to abrogate it this may not be done through mere executive agents but only by express legislation.

At another time when legislation affecting this subject is under consideration, it may become necessary to present the matter more in detail.

The findings of the commission and their recommendations are self-explanatory and are as follows:

1. That the allowance by the former Secretary of the Interior, Mr. Hitchcock, of 147 second-feet of water of the low-water flow of the Yakima River for the use and benefit of the irrigable lands on the Yakima Indian Reservation was when made, and now is, inadequate, inequitable, and unfair to said Indian reservation.

2. From a consideration of the whole subject, we believe that vested rights have accrued to water users other than those on said reservation, and that the low-water flow of the Yakima River is insufficient to supply their needs and the requirements of said reservation. We therefore believe that the United States should provide for the use and benefit of the irrigable portion of said reservation, free from storage cost and storage maintenance cost, sufficient water to equal the amount to which said reservation was equitably entitled when the finding of Secretary Hitchcock was made.

While it is difficult to determine what this amount should be, we are convinced that it should not be less than one-half of the natural flow of the Yakima River, and should be sufficient to irrigate one-half of

each allotment of irrigable land on said reservation. That this will cost approximately \$500,000, and we recommend that an appropriation of said amount for this purpose be authorized, payable in five annual installments, as the needs of irrigation on said reservation may demand, and on estimates to be submitted; said \$500,000 being the amount we believe necessary to purchase such free water in addition to the amount now available for the irrigable land on said reservation, from the Reclamation Service, as will be required for this purpose.

3. As to the portion of the irrigable allotments in excess of the area to be furnished water free, the allottees may be permitted, but should not be required, to sell the same or any portion thereof under such terms and conditions as the Secretary of the Interior may prescribe. The cost of furnishing water for such area not to be furnished water free shall be apportioned equitably according to benefits.

4. As to all allottees on the said Yakima Indian Reservation the equitable proportionate cost, both as to storage water, in addition to such amount as shall be furnished free, and as to the cost of maintenance and distribution of all water furnished for said irrigable lands on said reservation, shall be charged to the allottees respectively, and payable from their proportionate individual shares of tribal funds when distributed.

5. In the event any allottee shall receive a patent in fee to an allotment of irrigable land before the amount so charged against him has been repaid to the United States, then such amount remaining unpaid shall become a first lien on his allotment, and the fact of such lien and the amount thereof shall be recited on the face of each patent in fee issued.

As to all grantees of allottees to whom patents have been issued the cost, which would be charged against the proportionate individual shares of allottees if the lands were not patented, shall be fixed as a lien upon the lands patented.

Nothing can be clearer than that tribal funds should not be used to reclaim individual allotments. On this reservation many of the allotments can not be irrigated, and it is grossly unjust to use the funds belonging to all for the benefit of some members of the tribe. Whatever of precedent for such action may be cited, we think the correct principle is recognized by this commission in requiring that such expenses as are not to be paid by the Government in the reclamation of the irrigable lands on the Yakima Indian Reservation shall be charged to the individual allottees benefited and paid out of their proportionate shares of the tribal funds. In the event any allottee receives a patent in fee, the balance remaining due the Government should of course become a lien upon his allotment.

It is believed that if the recommendations herein made are pursued by the Congress this much-disputed question will be satisfactorily settled.

Mr. WARREN. Mr. President, may I ask the Senator a question at that point?

Mr. ROBINSON. Yes; I yield to the Senator.

Mr. WARREN. Is it the recommendation of the report that the United States shall buy from itself through the Reclamation Service the right to some reservoir?

Mr. ROBINSON. No; no right in a reservoir. I will say to the Senator that the amendment inserted in the act by the Senate contemplated an appropriation of \$1,800,000 as the proportionate share chargeable against the reservation for the reservoirs necessary to be constructed. Now, we do not think that the Indian service ought to go into the construction of reservoirs or ought to have anything to do with such matters. We think that whatever reservoirs are constructed should be constructed under the Reclamation Service, and the Indian service furnished water as in the nature of a private water user.

Mr. WARREN. What is in my mind is this: Whether the money shall be appropriated directly for the purpose of erecting those reservoirs, and perhaps be expended under the supervision of the Reclamation Service, or whether the Reclamation Service money shall be taken to build the reservoirs, and then the money may be reimbursed to that fund?

Mr. ROBINSON. Nothing is taken from the Reclamation Service fund under this proposed legislation. The appropriation is in the nature of a restitution by Congress for a mistake that was made in permitting the appropriation of waters which rightfully belong to the Indians. That is the theory upon which we have proceeded.

Mr. JONES. Mr. President—

Mr. ROBINSON. I yield to the Senator.

Mr. JONES. I simply want to suggest that the manner in which it would be worked out would be that the purchase would be made of stored water under what is known as the Warren Act. That was really what was contemplated by the amendment that was inserted in the Indian bill—that the Government would purchase of the water that was actually stored by the Reclamation Service such water as would be necessary to water all the irrigable lands.

Mr. ROBINSON. The amendment to the Indian appropriation act contemplated the appropriation of \$1,800,000 at the reservation's proportionate share of the cost of constructing reservoirs.

Mr. JONES. It contemplated the purchase of water sufficient to irrigate all of the lands of the reservation that would be capable of irrigation?

Mr. ROBINSON. Yes.

Mr. JONES. Now, your proposition here is to appropriate enough money to furnish to the lands of the Indians alone the quantity of water which you think ought to be furnished to them free, without taking into account—

Mr. ROBINSON. No; it is not limited to the Indians. The water is to be furnished to such portions of each allotment as should have water free. We think that is not less than one-half.

Mr. JONES. You contemplate that, but you do not contemplate the appropriation of any money for securing water for the additional half of the allotment?

Mr. ROBINSON. Oh, no; we contemplate that that shall be furnished by the Reclamation Service just as to a private user.

Mr. JONES. But in the other bill the \$1,800,000 contemplated furnishing water for all the lands, reimbursement to be made to the Treasury under the Warren Act for water for lands not getting free water.

Mr. WARREN. In any case the Reclamation Service will spend no money that is not returned to it, but the money actually expended will be a direct appropriation in whatever manner it may come from the United States to put the Indians on the basis on which they ought to be put—that is, as to a certain number of them, will they be furnished water free of charge?

Mr. ROBINSON. Yes; there is no suggestion of taking anything out of the reclamation fund. The appropriation is a direct appropriation, so far as the suggestions contained in this report are concerned.

#### TUBERCULOSIS AND TRACHOMA AMONG THE INDIANS.

Mr. President, the second branch of duty assigned the commission, namely, to investigate and report upon the feasibility of establishing and maintaining a sanitarium in New Mexico for the treatment of tuberculous Indians, involves one of the large problems confronting the Indian service.

Investigations into the health of the Indians, on a somewhat comprehensive plan, were commenced about the year 1909. The funds and the force then available for this work were inadequate. Nevertheless, much valuable but in some respects inaccurate information was collected.

August 10, 1912, the President of the United States laid before Congress, in a special message, the substance of this information. That message is as follows:

#### To the Senate and House of Representatives:

The present conditions of health on Indian reservations and in Indian schools are, broadly speaking, very unsatisfactory. In many parts of the Indian country infant mortality, tuberculosis, and disastrous diseases generally prevail to an extent exceeded only in some of the most insanitary of our white rural districts and in the worst slums of our large cities.

The death rate in the Indian country is 35 per thousand, as compared with 15 per thousand—the average death rate for the United States as a whole. The average death rate in some of the healthiest of our cities is as low as 12 per thousand. No exact figures are yet available for infant mortality among Indians, but field studies now being made show that while proportionately more Indian babies than white babies are born, very many more Indian babies die.

Last year, of over 42,000 Indians examined for disease, over 16 per cent of them had trachoma, a contagious disease of the eye, frequently resulting in blindness, and so easily spread that it threatens both the Indian communities and all their white neighbors. It is a disease so serious that at no part of entry in this country is the immigrant with trachoma allowed to land. On the Kiowa, Comanche, and Apache Reservations 71 per cent of the school children have trachoma. The curing of this disease frequently requires years of constant care. Of the 40,000 Indians examined, 6,800 had tuberculosis. On the White Earth Reservation, in Minnesota, a house-to-house canvass in 1910 and 1911 revealed that of 3,300 Indians 600 had tuberculosis. An examination of half the Indians on the Blackfeet Reservation, Mont., shows that one-third of that number have tuberculosis. Of the total population of the Colorado River Reservation, Ariz., 20 per cent have tuberculosis. At the school of the Mescalero Reservation, in New Mexico, where climatic conditions are ideal, 5 per cent of the children in school have tuberculosis. Of the 7,000 Indians of the Pine Ridge Reservation, S. Dak., over one-fourth have tuberculosis. Even in southern California at least 10 per cent of the Indians have this dread disease. In addition to these scourges and the special lowering of vitality which exists in these sections where the Indians can procure intoxicants, they are more subject than the average white man to the whole list of acute diseases. Few Indian homes anywhere have proper sanitary conditions, and in many instances the bad condition of their domestic surroundings is almost beyond belief.

As guardians of the welfare of the Indians, it is our immediate duty to give to the race a fair chance for an unmaimed birth, healthy childhood, and a physically efficient maturity.

The most vigorous campaign ever waged against diseases among the Indians is now under way. It began in 1909. Prior to that time little attention had been given to the hygiene and health of the Indians. On some reservations, equal in area to a State, there were not more than two physicians, frequently only one. In 1909 tens of thousands of Indians were substantially without any chance to reach a doctor. The Government was started into a reform in this matter through the discovery that at the Phoenix Indian School, Arizona, more than 65 per cent of the children were infected with trachoma. In response to the showing then made, Congress immediately appropriated an emergency sum of \$12,000. Physicians sparsely scattered over the Indian country were then organized as the nucleus of an efficient fighting force, and the fight has been conducted not only on curative but on preventive lines. As the need for this work has become more apparent, congressional appropriations have steadily increased; but even to-day the effective fighting force of the service is so disproportionate to the ground to be covered and the problems to be met that it is impossible to make even a medical survey of the whole field.

The Indian service has under its general supervision 296,000 Indians, and of these it is a conservative estimate to say that 160,000 are still entirely dependent on the Federal medical service. This service has 160 physicians, over a third of whom, under their terms of employment, devote only a part of their time to Indians. When it is remembered that Indians are so scattered that a physician frequently has to drive a day or more out and a day or more back to reach one family, the inadequacy of such service is plain. While there are many efficient and self-sacrificing physicians in the service, the smallness of the salaries, which average only \$1,186 a year, necessarily affects the qualification and ability of the physicians engaged. In spite of adverse conditions, thousands of cases of tuberculosis and trachoma are being systematically treated, and serious epidemics of diphtheria, measles, cerebrospinal meningitis, and other infectious diseases have been checked. Hundreds of lives have been saved, and a distinct start has been made in getting fresh air and generally better sanitary conditions into the homes.

The Indian medical service should therefore be substantially increased in size and should be lifted into efficiency through the better men whom, as a rule, only better salaries can command. Of course this change should take place along carefully planned business lines and without extravagance and after a comparative study of other medical services—National, State, and local.

Through the proper channels is now submitted to Congress an estimate for the Indian medical service for \$253,350, accompanied by a detailed statement of the expenditures required. This sum, together with an addition to the amounts which will probably be available in the Indian appropriation bill for the current year, and which were asked for in that bill before all the data now available were at hand, will enable the Indian service to make a complete medical and sanitary survey of the whole field, with a view to curing existing troubles and to the prevention, so far as may be, of their recurrence. With this additional appropriation, if granted by Congress, it is believed that the tide can be turned, that the danger of infection among the Indians themselves and to the several millions of white persons now living as neighbors to them can be greatly reduced, and genuine cooperation with local State boards of health now already under way can be adequately provided for. It is not expected to build up a highly organized Indian medical service, but rather to put efficient physicians and nurses and field matrons, properly equipped to reach all the Indian families, in the field, where service under the best conditions is one of constant self-sacrifice and hardship, but where constant application to those methods which the study of modern hygiene has developed will show results so encouraging as fully to justify the expenditure of the sums herein asked.

THE WHITE HOUSE, August 10, 1912.

WM. H. TAFT.

The estimates submitted were as follows:

For the construction of a tuberculosis hospital for the treatment of adult tuberculosis cases, and cases past the incipient stage of the disease, for the use of Indian patients from all sections of the country, \$100,000; for the employment of two additional medical inspectors, including salary and expenses, \$8,400; for the employment and expenses of an assistant supervisor for the developing to greater efficiency the teaching of home sanitation by field matrons and teachers of house-keeping, \$4,200; for increasing the number of and salaries of physicians, \$85,000; for increasing the salaries of nurses, \$2,750; for increasing the salaries of certain field matrons, \$4,000; *Provided*, That the amounts paid to physicians, nurses, and matrons out of the funds hereby appropriated shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897.

To establish a central pathological laboratory, \$1,000; for the purchase of transportation equipment for physicians, field matrons, and field nurses, \$10,000; for the correction of sanitary defects in Indian homes, \$10,000; for the building of screened sleeping porches on schools and hospitals, \$10,000; for equipping schools with playground apparatus, \$15,000; for the purchase of standard medical literature for physicians, \$2,000; for the purchase or publication of pamphlets, post-cards, placards, and other literature on health subjects for distribution among Indians, \$1,000; in all (submitted), \$253,350.

NOTE: To defray the expenses of a special health campaign planned for the fiscal year 1913 Congress was asked for an appropriation of \$250,000. At the present date the Senate has allowed \$150,000 only, and if the work is to be carried out as planned additional funds must be appropriated.

If the bill for \$150,000, mentioned above, is enacted, the money will be used to defray expenses of the field campaign against the two diseases, trachoma and tuberculosis, and would not be available for use in increasing the efficiency of the work on the reservations where it is proposed to inaugurate separate campaigns for the betterment of the local sanitary conditions.

Of 42,645 Indians examined for disease 16.11 per cent, or 6,870, were found to be suffering from tuberculosis. There is no sanatorium in the United States for the treatment of adult tubercular Indians, and there is provision for only 175 incipient tubercular children of school age. The necessity for a Government sanatorium for the accommodation of some of the more needy cases is certainly apparent.

At present the entire Indian country is receiving only such medical inspection as may be made by the medical supervisor and a physician expert who is engaged in special tuberculosis work. Systematic inspection is absolutely necessary, and can not be carried out unless additional inspectors are appointed. These physicians would be assigned to regular districts, where they would have immediate charge of medical matters, including supervision of physicians, collection of vital statistics, and improvement of sanitary conditions on the reservations.

At neither agencies nor schools do physicians have either time or necessary apparatus to carry on pathological work for diagnostic purposes. Were a laboratory of this kind established, samples of sputum of cases suspected of having tuberculosis could be examined by an expert in such work. The examination of sputum alone would require the entire time of one pathologist. Many other problems of diagnosis are constantly requiring such help as is afforded by a laboratory of this kind.

There is at present only one supervisor of schools employed in the work of developing to greater efficiency the teaching of home sanitation by field matrons and teachers of house-keeping, and the field has not yet been covered by her, although constantly engaged in it for the past three years. This subject is one of the most important of all those to be taught in the Indian schools, and has not yet received the attention which it deserves.

The medical force as it now stands is inadequate to cope with the present health situation, and material improvement must come through substantial increase in number and salaries of the medical corps. Indian service physicians are the poorest paid in the Government service,

and yet their work is fully as difficult and, in many instances, involves greater hardship than any other service except during times of war. There are at present 52 contract physicians and 86 regular physicians. The contract physicians receive an average of \$575 per year and the regular physicians an average of \$1,186 per year. The contract physicians do not have the time, nor do they receive sufficient compensation, to enable them to render the amount of medical work required, and it is impossible, also, to obtain efficient and satisfactory regular physicians at the salaries now paid as is desired. There is very little chance for promotion of physicians, and no annual leave is allowed them unless a substitute is furnished and paid for. Instead of the present low salaries and practical impossibility of receiving promotion, physicians should be graded and allowed increased compensation commensurate with their services. Comparing the salaries received by physicians in the Indian service with those of any other branch of the Government, it is at once apparent that the class of men attracted by the Navy, Army, and Marine-Hospital Service is of much higher grade than that entering the Indian service. The following is a comparative table of pay and list of medical officers of the United States Navy, United States Army, the Public Health and Marine-Hospital Service, and the Indian service:

United States Navy.	United States Army.	United States Public Health and Marine-Hospital Service.	United States Indian service.
Surgeon General, \$6,000.	Surgeon General, \$6,000.	Surgeon General, \$5,000.	Medical supervisor, \$3,000.
Medical director, \$5,000.	Colonel, \$5,000.	Assistant Surgeon General, \$4,000.	Assistant medical supervisor, \$2,200.
Medical inspector, \$4,500.	Lieutenant colonel, \$4,500.	Senior surgeon, \$3,500.	Ophthalmologists, \$1,800.
Surgeon, \$4,000.	Major, \$4,000.	Surgeon, \$3,500.	Physicians, from \$900 to \$1,400; average, \$1,168.
Passed assistant surgeon, \$2,640.	Captain, \$2,400.	Passed assistant surgeon, \$2,000.	Entrance salary, \$1,000.
Assistant surgeon, \$2,200.	First lieutenant, \$2,000.	Assistant surgeon, \$1,600.	

It is proposed to increase the compensation and number of Indian service physicians in accordance with the following scheme, which shows the medical positions authorized at present and the new positions or increases in salary recommended:

Positions authorized.	No.	Unit salary.	Total salary.	Positions recommended.	No.	Unit salary.	Total salary.
Medical supervisor.	1	\$3,000	\$3,000	Medical supervisor.	1	\$3,000	\$3,000
Physician expert...	1	2,200	2,200	Medical inspector.	1	2,200	2,200
				Medical inspectors..	2	2,000	4,000
Assistant physicians (ophthalmologists).	2	1,800	3,600	Medical inspectors (ophthalmologists).	2	2,000	4,000
Assistant physician	1	1,600	1,600	.....do.....	2	1,800	3,600
				.....do.....	2	1,600	3,200
				Dentists.....	4	1,500	6,000
<b>Total.....</b>	<b>5</b>		<b>10,400</b>	<b>Total.....</b>	<b>14</b>		<b>26,000</b>
Chief health section	1		1,600	Medical inspector (acting chief health).	1		2,200
				Medical clerk (health section).	1		1,600
Disbursing clerk...	1		700	Disbursing clerk...	1		700
				Senior physician (pathologist).	1		1,600
<b>Total.....</b>	<b>2</b>		<b>2,300</b>	<b>Total.....</b>	<b>4</b>		<b>6,100</b>
Superintendent, Canton.	1		2,500	Superintendent, Canton.	1		2,500
Superintendent, Fort Lapwai.	1		1,000	Superintendent, Fort Lapwai.	1		2,000
				Superintendent, (Phoenix San. Laguna San. N. E. San. S. E. San. Gen. T. B. San.).	1		2,000
<b>Total.....</b>	<b>2</b>		<b>4,100</b>	<b>Total.....</b>	<b>3</b>		<b>6,500</b>
Agency physicians.	2	1,500	3,000				
Do.....	4	1,400	5,600				
Do.....	4	1,300	5,200				
Do.....	30	1,200	36,000	Senior physicians..	40	1,800	72,000
Do.....	9	1,200	10,800				
Do.....	12	1,100	13,200				
Do.....	27	1,000	27,000	Junior physicians..	40	1,600	78,400
Do.....	1	900	900				
<b>Total.....</b>	<b>80</b>		<b>101,700</b>	<b>Total.....</b>	<b>89</b>		<b>150,400</b>
Contract physicians	15	720	10,800				
Do.....	1	700	700				
Do.....	4	600	2,400	Junior physicians..	10	1,600	16,000
Do.....	14	600	8,400				
Do.....	6	500	3,000	Contract physicians	20	720	14,400
Do.....	3	480	1,440	.....do.....	8	600	4,800
Do.....	4	400	1,600	.....do.....	15	500	7,500
Do.....	2	360	720				
Do.....	3	300	900				
Do.....	1	200	200				
<b>Total.....</b>	<b>53</b>		<b>30,400</b>	<b>Total.....</b>	<b>53</b>		<b>42,700</b>
				Junior physicians..	15	1,600	24,000
				Traveling expenses			10,800

The entrance salary for nurses in the Indian service is below that for any other branch of the Government service, and the average compensation and allowances given them is also smaller. The civil-service register for nurses is constantly depleted and vacancies remain unfilled. There is great demand for more and more competent nurses, and it is proposed to increase their average salary \$60 per year.

Many of the field matrons have rendered faithful service for years at a fixed salary, have earned promotion, and should receive it. The above sum will permit the slight increase desired. It is proposed also to raise the standard of requirements for eligibility and to secure applicants better trained to teach sanitation. Unless the entrance salary is raised it will be impossible to secure the employees desired. The apportionment of the present appropriation for industrial work and care of timber, from which field matrons are paid, does not permit any increase in the salaries this year.

Better transportation facilities are needed in many places and should be supplied. Other funds are not available for this purpose.

It is proposed to increase the efficiency of the Medical Corps by sending them a few carefully selected journals and books on the diseases most common among Indians.

There are on certain reservations hundreds of Indian homes without either openable windows, floors, or provision for ventilation; and it is on these very reservations that tuberculosis is rife. This is a house disease and thrives best under the conditions found in such homes. It is proposed to use this fund to relieve such situations by rendering these homes sanitary, giving special attention to those where tuberculosis is present, making them not only comfortable to the patient or patients but also preventing them from becoming foci of infection.

In every Indian school there are pupils predisposed to tuberculosis, many of whom develop the disease and are sent home. Most of these children could be saved if at these schools facilities were available to carry out the modern method of outdoor sleeping. In schools in which this has been tried it has proven thoroughly practicable, and the results obtained justify the prediction that if all delicate children are required to sleep on screened porches while in attendance at school there will be a marked decrease in the morbidity from this disease among Indian pupils.

Play in the open air is now universally recognized as essential to the development of normal, healthy children. Indian schools should be thoroughly equipped this year with simple apparatus to stimulate pupils to spend their leisure in outdoor exercise. This measure alone will prevent the development of many cases of tubercular and other infectious diseases among Indian pupils. This fund will only be used in such schools where other funds are not available.

A wide dissemination among Indians of educational literature containing the essential facts of sanitation and the prevention of the spread of disease is absolutely necessary if the Indians are to be educated to live more sanitary lives.

The above estimates include only those items which are not provided for in the appropriation for the "Relief of distress and prevention of disease, 1913," it being assumed that \$150,000 will be allowed.

The Indian appropriation act approved August 24, 1912, making appropriations for the fiscal year ending June 30, 1913, contained the following provision for an examination as to the prevalence of tuberculosis and other contagious and infectious diseases among the Indians:

*Provided,* That the sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Public Health and Marine-Hospital Service to make a thorough examination as to the prevalence of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases among the Indians of the United States, full report to be made to Congress not later than February 1, 1913, with such recommendations as may be deemed advisable.

Pursuant to the foregoing provision, in order that the very large area to be investigated might be covered within the limited time allowed, the Indian country was divided into districts and representatives of the Public Health and Marine-Hospital Service, assigned as follows:

- Passed Asst. Surg. B. J. Lloyd, Washington, Idaho.
- Passed Asst. Surg. W. C. Billings, northern California, Oregon, Nevada.
- Passed Asst. Surg. L. D. Fricks, Arizona, North Carolina.
- Passed Asst. Surg. F. C. Smith, Colorado, New Mexico.
- Passed Asst. Surg. M. C. Guthrie, Oklahoma.
- Passed Asst. Surg. R. A. Herring, Kansas, Nebraska, Wyoming, Utah, southern California.
- Surg. M. J. White, Iowa, Montana.
- Passed Asst. Surg. J. W. Schereschewsky, North Dakota, part of South Dakota.
- Passed Asst. Surg. Paul Preble, South Dakota.
- Surg. Taliaferro Clark, Minnesota, Michigan, Wisconsin, Pennsylvania.
- Asst. Surg. J. P. Leake, New York.
- Surg. H. S. Cummings, Virginia.
- Asst. Surg. Gen. W. C. Rucker, Florida.

These investigations embraced all contagious and infectious diseases common among the Indians, and especially trachoma, tuberculosis, and smallpox.

While this commission has no express jurisdiction to make investigations of trachoma, that disease is unquestionably among the important subjects to be dealt with by the "commission to investigate Indian affairs" generally.

Liberty is therefore here taken to present and review briefly important information concerning the prevalence of this disease among the Indians, and a summary of the results of the investigations made pursuant to the aforesaid provision in the Indian appropriation act of 1912.

It is quite probable from all the evidence obtainable that approximately one-half of the entire Indian population has trachoma. The percentage varies in the different States where Indians reside, the highest found being approximately 40 per cent in Utah, 41 per cent in Nebraska, 51 per cent in Wyoming, and 70 per cent in Oklahoma,

Trachoma is a disease of the membrane of the eyelids, chronic in character, characterized by inflammation and followed by a thickening of the eyelids. The disease is contagious, is generally believed to be the result of a bacillus, and is transmitted through the medium of the secretion by direct contact. It is promoted by personal uncleanness and insanitary habits of living, such as overcrowding in poorly lighted houses, and the use of common washbasins and towels. The disease occasions a contraction of the eyelids and a clouding of the transparent corneal surface, frequently resulting in blindness. Undoubtedly trachoma is spreading, and unless vigorous precautions are enforced and adequate remedies applied, there will be added to the miseries of the Indian race blindness.

A simple statement of the nature of trachoma, its cause, and the usual method of its transmission suggests the only practical method of relief, which is summed up in the words "sanitation" and "precaution." The disease is easily preventable. It is almost incurable. The Indian boarding schools and day schools have afforded opportunity for the spread of this loathsome disease, which is exceedingly prevalent among Indian pupils. Washes and minor surgical operations, consisting of the removal of the affected membrane, afford only temporary relief. Permanent results can only be accomplished by improving the sanitary habits of the Indians, giving them instructions in personal and domestic hygiene, and in enforcing precautions against contagion and infection.

There is presented herewith an instructive and interesting discussion of the subject contained in Senate Document No. 1038, Sixty-second Congress, third session, compiled under the authorization of the Indian appropriation act of August 24, 1912. This is published in the RECORD for the convenience of Senators who may desire to pursue the subject in detail.

#### THE NATURE OF TRACHOMA AND ITS EFFECTS ON THE INDIVIDUAL.

Before presenting the data collected bearing upon the prevalence of trachoma it is pertinent to describe briefly the disease and the degree to which it may impair the physical and economic efficiency of any race suffering from its ravages.

#### DEFINITION OF TRACHOMA.

Trachoma, or granular lids, is a disease of the conjunctiva or lining membrane of the eyelids, chronic in character and prone to remissions and exacerbations. The disease is characterized by an inflammatory onset, which is followed by an inflammatory deposit or thickening of the structures of the eyelid. The inflammation causes destruction more or less complete of the conjunctival tissues, so that scar tissue is formed, which has a marked tendency to contraction.

#### HISTORICAL NOTE REGARDING TRACHOMA.

Trachoma is regarded as a disease of oriental origin. Our knowledge of its existence extends far into the past, references to it having been found in the writings of the ancient Greeks and Egyptians. Originally endemic in the Far East, the disease extended to the Mediterranean littoral and later spread over Europe. It is particularly prevalent in Russia, parts of Austro-Hungary, eastern Germany, and along the shores of the Baltic and North Seas, especially in Finland and Holland. In southern Europe, Italy, Greece, and Spain are most affected in the order named.

It has been observed that, generally speaking, trachoma is most prevalent in those countries having an extensive seaboard, and it spreads usually from the littoral to the interior along travel routes. It has been regarded in the United States as an exotic disease, and, although cases were undoubtedly imported from time to time prior to its rigid exclusion under the immigration laws, the disease has not as yet become general in its distribution. While it has been known to exist in some of the large urban centers in the Eastern States, there is evidence that here a decrease has followed local preventive measures, and the systematic exclusion of arriving aliens so afflicted.

Trachoma has been endemic for years in certain restricted areas of southern Illinois and in the mountainous regions of West Virginia and Kentucky. In the latter State an investigation recently conducted by Surg. John McMullen of the United States Public-Health Service showed a prevalence of the disease of 12 1/2 per cent among 3,974 people examined in seven counties. Since these mountain people are among the purest types of Anglo-Saxons in the United States and little associated in recent years with arriving immigrants, and since evidences were found of many long-standing cases, it would appear that the period of endemicity of the disease in the section referred to extends over generations.

As will be shown later, the Indians are severely afflicted with the disorder, and among them also it has long prevailed, but the time and manner of its introduction is problematical.

#### AGE INCIDENCE OF TRACHOMA.

Trachoma is a disease which may be contracted at any age, with the exception that infants are less prone to contract the infection. It has previously been supposed that very young children escape owing to the lack of certain tissue elements in the eyelids which subsequently develop. During the investigations here reported upon, however, a few cases were observed among infants under 1 year of age, which indicates that the infection can occur very early in life, and it is known that it can persist in an active form among the very aged.

#### THE CAUSE OF TRACHOMA.

The discharges from the trachomatous eye have long been the object of patient bacteriological research, as well as the trachomatous tissue itself. As a result, claims have frequently been made of the finding of a specific organism of infection, but one after another of these claims were refuted.

In 1907, however, Greef and Von Prowachek independently discovered certain small bodies in tissue cells from trachomatous eyes which they supposed bore a casual relation to the disease, and lately Dr. Anna Williams, of the research laboratories of the city of New York, has exhaustively studied an extremely small, hemoglobinophilic

bacillus which she isolated from cases of papillary trachoma in which these trachoma bodies or inclusions were present. She concludes that bacillus and inclusion are probably identical in papillary trachoma, and hence that the bacillus is probably the cause of the disease. This announcement, if confirmed, will be of the greatest value in subsequent studies of trachoma and in devising measures for its prevention.

#### FACTORS CONTRIBUTING TO THE DISSEMINATION OF TRACHOMA.

The medium of contagion is the secretion of the trachomatous eye. The transmission of the contagion may be by direct contact or the infection may adhere to articles of common use, such as clothing, bed clothing, handkerchiefs, towels, etc. The walls and floors of dwellings occupied by trachomatous patients and the furniture used by them may presumably become contaminated, assuming such places to be in filthy condition and the persons themselves uncleanly in their habits.

The factors which facilitate the dissemination of trachoma are, therefore, the conditions which prevail wherever human beings are closely crowded together, as in tenement houses, hovels, schools, and insanitary institutions. The careless personal habits and unhygienic conditions characteristic of ignorance and poverty, the use of the common towel and washbasin, and the agency of the fly, create conditions which could obviously favor the spread of trachoma as they would that of any infectious disease.

#### SYMPTOMS AND COURSE OF TRACHOMA.

The changes in the tissues of the eyelids and eyeball, which take place as the result of trachoma, give rise to many and long-continued symptoms. It is not pertinent here to describe them in detail, but it is necessary to state that they are oftentimes painful, interfere with the patient's bodily comfort, and reduce his working efficiency.

The amount of discomfort depends on the stage of the disease. During the acute onset and at times of exacerbations, there is the usual sensation of a foreign body in the eye. When the cornea becomes involved, and especially when corneal ulcers develop, the pain is intense, the eyes are extremely sensitive to light, and there is spasm of the muscles of the eyelids (photophobia), with profuse discharge of water and, oftentimes, pus.

The disease may continue for years, the membrane of the eyelid gradually becoming destroyed and its place taken by scar tissue. As previously stated, also, the cornea of the eyeball eventually becomes involved. Its normal transparent appearance is lost, and a cloudy condition develops which seriously interferes with vision.

#### THE DANGERS OF TRACHOMA.

Trachoma may be so severe from the outset as to destroy the vision in a few months, or even weeks. As a result of such acute infection, early and deep ulceration of the cornea may ensue, followed by perforation, infection of the interior of the eyeball, and evacuation of its contents.

In untreated trachoma, damage to the cornea at some stage of the disease is the rule. This corneal involvement takes the form of ulceration, keratitis (inflammation of the cornea), and the formation of a condition known as pannus. Pannus consists in the clouding or fogging of the transparent corneal surface, so that it presents a ground-glass appearance. In one form of pannus there is an overgrowth of thick salmon-colored tissue so dense as often completely to obstruct vision.

As scar tissue formation advances in the lids, it contracts, thus destroying the lids and causing them to curve in (entropion), with the result that the eyelashes are constantly in contact with the eyeball. The irritation caused thereby brings about inflammation of the cornea, which may be followed by ulceration or thickening so that the cornea may become opaque or may perforate and the eye be lost.

Without dwelling upon the truly desperate conditions that may result from trachoma, it is remarkable to what degree even apparently insignificant alteration in the transparency of the cornea may affect vision. Even slight haziness of the cornea, hardly apparent to the naked eye, often sadly obscures the sight.

It is safe to say that 75 per cent of untreated trachoma cases suffer some visual damage, including errors of refraction, by reason of changes caused during some stage of the disease. These ill results may be greatly lessened by treatment, especially in mild cases, but the results are frequently disappointing when the disease is severe. A fundamental fact to bear in mind is that trachoma is more easily preventable than curable, and that the best results are obtained when preventive and curative measures are instituted early.

The effects of trachoma are felt not only by the individual but also by the community in which he lives. The invalidism caused by the disease is liable to impose financial burdens on that community, and the resulting blindness may render its victims public charges.

Finally, school children affected by the disease have their studies interfered with, their education will be more expensive, their power to earn a living will be permanently lessened, and through no fault of theirs they may become permanent charges on the State.

#### THE PREVALENCE OF TRACHOMA AMONG THE INDIANS.

The occurrence of trachoma among western Indians has occasionally been noted in the medical literature for many years. It seems doubtful whether it has been generally recognized as such, however, by physicians on reservations until recently. In most of the older reservation records examined during this investigation, many cases of eye afflictions were recorded as "sore eyes," "conjunctivitis," "keratitis," "bad eyes," "scrofulous eyes," or "granulated eyes."

In the records of very recent years increasingly frequent note is made of cases of trachoma as such, and the medical supervisor of the Office of Indian Affairs states that within the past three years concerted action has been taken to provide special curative measures, and their necessity has been emphasized to combat the disease.

All of the officers engaged in these investigations endeavored by examination of records and consultations to secure evidence of the past prevalence of trachoma among the tribes visited, but the results were for the most part unsatisfactory, and reliance was placed on examinations of as large a number of Indians as possible to determine the present prevalence of the disease.

#### NUMBER OF INDIANS INSPECTED.

There was examined a total of 39,231 Indians at all the reservations and nonreservation boarding schools visited. Of this number, 8,940 individuals, or 22.7 per cent of the entire number examined, were found to have trachoma.

Table No. I gives the location of the 39,231 Indians, the number of cases of trachoma found among those examined at each place, and the percentage of the disease. Accepting 322,715, the figures of the Indian Office, as the total Indian population in the United States, it will be

seen that approximately one-eighth of this number were examined. If this rate of infection prevails among the Indians generally, it may be conservatively estimated that there are at the present time a total of 71,997 cases of trachoma among this class of the population.

The persons examined represented both sexes and all ages. Some of them were students in boarding schools, others in day schools and mission schools, and the remainder were reservation Indians. All taken together are considered as representative of the general Indian population on the reservations and in the localities mentioned, with the exception of Oklahoma, to which explanatory reference is made on page 27.

TRACHOMA AMONG ALL INDIANS EXAMINED.

This table, it will be remembered, contains records of all Indians inspected.

[The table above referred to appears as Exhibit A on page 1277 of to-day's RECORD.]

From an examination of the foregoing table it is evident that the incidence of trachoma varies much among Indians in different sections of the country, and even in different parts of the same reservation. For instance, in Oklahoma, among 3,252 Indians examined, 2,237, or 68.7 per cent, had trachoma. In New York, on the other hand, out of 943 Indians examined, only 2, or 0.2 per cent, had the disease, and these two probably contracted the infection at a nonreservation boarding school. On the Navajo Reservation likewise, Fricks reported the finding of trachoma in 30 per cent of those examined around Fort Defiance and along the Santa Fe Railroad, while 150 miles in the interior of the reservation it ran below 10 per cent.

The accompanying Chart I shows in graphic form the percentages of trachoma found among those examined in the several States and the comparative incidence of infection. Broadly speaking, it would be possible to place these States in groups representing geographic areas, as the Atlantic slope, the Missouri River watershed, the Southwestern Plateau, the Pacific slope, etc. It must be remembered, however, that the habits of the Indians, their degree of sanitation, their exposure to poverty, and not climate, soil, or altitude, are the important factors in determining the prevalence of trachoma.

Arizona: Fricks reports that of 5,873 Indians examined 24.9 per cent were found to have trachoma. The more isolated tribes, however, like the White River Apaches, two days' travel from the outside world, and the Havasupais, at the bottom of the Cataract Canyon, showed very slight infection—2 and 2.5 per cent, respectively. Eight cases of trachoma were seen by him among the white employees and their children at different schools, presumably contracted from Indians.

During the past year the public schools of Bisbee, Ariz., were closed because of an outbreak of trachoma, which resulted thenceforth in trachoma cases being excluded from the school. The disease was reported as common among the Mexican school children in and around Phoenix, a section having a large Indian population. For purposes of comparison Fricks examined three public schools for white children. In one school of 30 pupils no trachoma was found, in one of 27 pupils no trachoma, and in one of 30 three cases were found, one being an American and two Mexicans. In the same vicinity three Indian schools showed 54, 36, and 41 per cent, respectively, of trachoma cases. Finally, he states that "the trachoma situation among the Arizona Indians is extremely grave because of the enormous infection among them and its rapid spread from year to year, and because the tribes with the highest infections are in closest contact with the whites, the Hopis being the only exception."

California: The percentage of trachoma (15.3 per cent) among the Indians in California was found to be somewhat less than the average found among all Indians examined throughout the country. An explanation for this may be the isolation of their dwellings, the fact that they live in small groups, and the natural barrier to extensive migration furnished by the mountain chains to the eastward.

Among the Utes in Colorado the prevalence of the disease was practically the same as among the California Indians examined. In Florida no cases were found, but this may be due to the small number examined, the habits of the Seminoles in that State rendering them very inaccessible, since they spend practically all of their time deep in the Everglades.

Idaho: In Idaho the percentage of prevalence among those Indians examined was 15.96 per cent, which is about that for California. In fact, the Pacific Coast States might be placed in one group from the standpoint of trachoma prevalence, but this must be considered high when it is remembered that Boldt, an authority on the disease, regards 16 cases per 1,000 population as a heavy infection in a community.

In Iowa, Kansas, and Nebraska the Indian population is small, and while the percentages of trachoma among those examined are high, being 32.04, 21.1, and 41 per cent, respectively, these percentages in the last two States are increased because they are based largely upon examinations of nonreservation schools, the students of which come from a number of other States, and because in such schools the chances of transmission of infection are greater than in isolated families.

While engaged in examining Indian children in Kansas it was found by Herring that a number were in attendance at public schools attended by white children. He inspected two such schools near the Sac and Fox Reservation. In one where 17 white children were examined 3 cases of very active trachoma were found, and in another where 4 children were examined 2 active cases were found.

In Michigan also the Indian population is small and the largest amount of trachoma seen by Clark was in the Mount Pleasant nonreservation boarding school.

Minnesota: Among the 3,542 Indians examined in Minnesota 533 cases of trachoma were found—a percentage of 15.05. The percentage of trachoma is represented by Dr. Clark to be higher in some sections of the State than in others, and to vary in different parts of the same reservation. In respect to this varying distribution he states as follows:

"The whole of the northeastern section of Minnesota, embracing the Lake Superior watershed, is free from trachoma. This area includes Grand Portage, Grand Marais, Vermilion Lake, and Nett Lake. One case of trachoma was found in the Vermilion Lake Boarding School, a recent recruit from Lake Winnibigoshish region. These Indians have but little communication with the Indians of other parts of the State, and their freedom from trachoma can only be explained on the ground of lack of exposure.

"The highest percentage of trachoma was found on the White Earth Reservation. In the examination of 1,323 Indians on this reservation 272 cases of trachoma were found, a percentage of 20.56.

"A peculiarly heavy trachomatous infection exists at Pine Point, White Earth Reservation. In a house-to-house canvass 147 people were examined, finding 53 cases of trachoma, 36.05 per cent.

"Only 2 cases of trachoma were found among the Indians of Fond du Lac Reservation, a percentage of 1.24 examined. These Indians are in close contact with civilization. They are better housed than are the Indians of other sections of Minnesota and with whom they have little association.

"A striking parallel can therefore be drawn from these figures regarding the influences favoring the spread of trachoma among the Indians of Minnesota. Wherever the primitive Indian is found in contact with civilization, childlike in his conception of responsibility, accepting the vices of the white man but eschewing the good things, there the heaviest trachoma infection has been found. On the other hand, the more nearly he approaches the surrounding white population in manner of living, as in the case of the Indians of the Fond du Lac Reservation, there little trachoma is found."

In a previous investigation of the prevalence of trachoma among Indians at the White Earth and Leech Lake Reservations made in May, 1912, Clark found that out of a total of 545 Indians examined, 253, or 46.1 per cent, had the disease. This large percentage, however, was due to the fact that 115 Indians who were assembled from the surrounding country for treatment were included in the enumeration with children of boarding schools at which the examinations were made.

Montana: Out of a total of 2,042 Indians examined in Montana, White found 527 cases, or 26.3 per cent, of trachoma. He concludes that the disease is astonishingly prevalent; that it affects the young, the middle-aged, and the old, and that its worst effects are seen among the latter.

Nevada: Notwithstanding the Indian reservations visited in Nevada are remote and the Indians brought in little contact with white men, they showed a high degree of prevalence. This may be due, however, to their association with highly infected tribes farther south in the recent or remote past and to their primitive habits and insanitary surroundings once the infection was introduced among them.

New Mexico: Out of 2,207 Indians examined in New Mexico, 494, or 22.38 per cent, were found to be suffering with trachoma. At the Jicarilla Agency the percentage of those examined (201) having trachoma was 8.45; but Dr. Smith expresses the belief that the disease is more prevalent than this figure would indicate, since here the incidence among the school children examined is considered more nearly representative of the population as a whole.

Among 462 Indians examined on the Navajo Reservation in New Mexico, 139, or 30 per cent, were found to have trachoma. This is the same per cent of trachoma found among the Navajos examined by Fricks in Arizona. In reporting on this condition Dr. Smith states as follows:

"The most remarkable thing in this investigation was the high percentage of trachoma found. It would appear from this that the agency physician's estimate of 2,000 cases among his 8,000 Indians is not too high. The rate was high in all school children examined, but was also high among those of the same age not in school. The tendency of trachoma to run in families seemed more marked here (than elsewhere), but this could not be determined accurately, because not many children of the same family were present in school."

Among the Zuni Indians only 5.88 per cent of 170 examined had trachoma. Dr. Smith expresses the belief, therefore, that trachoma is comparatively rare among these Indians. On the other hand, he states that the disease is very frequent among the Pueblo Indians and that the results are unusually serious.

North Carolina: At the Cherokee Reservation Fricks found 7 per cent of the 317 Indians examined to be infected with trachoma. They are citizens of North Carolina, and he states that they live just as do the poorer white mountaineers of that section, but attend Indian schools.

North and South Dakota: Trachoma was found to be very prevalent among the Indians of North and South Dakota. The most heavily infected area was found in the north and northwestern part of North Dakota. Dr. Schereschewsky reported the highest percentage of the disease in these States at the Fort Berthold Reservation, N. Dak., where 30.1 per cent of the Indians examined were found infected. The lowest percentage in these States was found by him on the Rosebud Reservation, where 10 per cent of those examined were afflicted with the disorder.

In South Dakota, out of 6,121 Indians examined, 1,059, or 17.24 per cent, were found afflicted with trachoma. These cases ranged from mild involvement to the severest possible types of the disease and total blindness.

Oklahoma: In Oklahoma Dr. Guthrie examined 3,252 Indians and found 2,235, or 68.72 per cent, suffering from trachoma. It is needless to state, however, that practically all of these were students at schools. On account of their being widely scattered on land allotments and because of opposition on the part of many, he found it impracticable to examine as relatively a large number of adults as children.

In other States the prevalence of trachoma in schools has been found generally to be somewhat greater than among reservation Indians not in schools. It is believed, therefore, that the percentage of the disease among the Indian population of Oklahoma as a whole is not as high as the figures presented would indicate.

Guthrie collected data regarding the degree of blood in 2,857 of the Indians examined by him and compiled the following table:

TABLE II.—Percentage of trachoma, according to degree of Indian blood, among 2,857 Indians examined in Oklahoma.

Degree of blood.	Number examined.	With trachoms.	Percentage of trachoma.
Full blood.....	1,834	1,450	79.09
Between half and full.....	630	389	61.74
Less than half.....	393	265	52.41

From these results Guthrie concludes that Indians of full blood in Oklahoma sustain a much heavier infection than do mixed bloods, and, since much the larger proportion of school children examined by him were full bloods, he considers this also an important factor in explaining the high percentage of trachoma found by him.

During his investigations Dr. Guthrie reported the finding of trachoma among negro school children as follows:

"An examination was made of 79 negro pupils at the Tullahoma Boarding School. These children are the descendants of the Creek freedmen. I was informed that very few of them are of Indian blood and I gained the impression that their association with the Indian population

was not more intimate than that among the whites and Indians. It is interesting to know that over 60 per cent of these negro pupils were suffering from trachoma."

This observation is of importance on account of the mixed population in Oklahoma and because of the current belief that the negro is immune to trachoma.

Oregon: In Oregon, out of 904 Indians examined, 94, or 10.4 per cent, had trachoma. This State thus had the smallest percentage of trachoma cases of any of the Pacific Coast States.

Pennsylvania: All of the Indians examined in Pennsylvania were students of the Carlisle School. They numbered 552, and there was found among them 76 cases of trachoma, or 13.76 per cent. Many tribes are represented among the students of this institution. Its influence in the transmission or control of trachoma, as well as other diseases, may accordingly become great.

Virginia: All of the Indians seen in Virginia were inmates of the Hampton Normal School. There were 43 in all, 13 of whom had trachoma. This institution, like the Carlisle School, has representation from a large number of tribes and localities. Cumming states that all of the trachoma had been treated, surgically or otherwise, none was in an acute active stage, and 2 cases were, after the examination, sent to an ophthalmologist and operated upon.

Wisconsin: Out of a total of 2,999 Indians examined in Wisconsin, 207, or 6.86 per cent, were found to have trachoma. Clark refers to prevalence in the State as follows:

"The Indians of Wisconsin have long been in contact with civilization and are increasingly inclined to partake of its benefits. The houses of the Indians in Wisconsin are well built for the most part and furnished, comparing favorably with the houses of white people in like circumstances.

"An exception to the rule is the Lac du Flambeau, with a trachoma percentage of 10.38, against 6.86 for the State at large. These Indians are the most primitive of any examined in Wisconsin."

Washington: Among 1,347 Indians examined in the State of Washington, 180, or 13.35 per cent, had trachoma. The highest percentages of infection were found at the Colville and Spokane, Swinomish and Yakima Reservations.

Wyoming: Out of a total of 392 Indians examined at the Shoshone Reservation, 199 had trachoma—a percentage of 57. On this reservation live parts of two different tribes, the Shoshones and the Arapahoes. Herring states that the latter represent about one-third of the original tribes of Arapahoes found in the United States, the remainder of this tribe being now domiciled in Oklahoma.

He states that the Shoshones and Arapahoes are apparently different in every respect, the former being considered quiet, fairly industrious, more advanced toward self-support, and certainly more advanced in their personal and domestic habits; the latter being indolent, dirty to an extreme regarding their persons, homes, and habits generally, and very indifferent to any medical or other aid offered them.

Herring further reports that the Arapahoes showed a very much higher percentage of trachoma than did the Shoshones, and a distinctly higher percentage of grave complications as a result of the disease. He invites attention to the interesting fact that the members of this tribe domiciled in Oklahoma showed a like high percentage of infection of trachoma.

Finally, out of the total 39,231 Indians examined in all parts of the country, it was found that 22.7 per cent of them were suffering from trachoma—a remarkable and deplorable condition from both public health and economic standpoints.

#### PREVALENCE OF TRACHOMA IN INDIAN BOARDING SCHOOLS.

The general prevalence of trachoma among all Indians examined having been dealt with, it becomes necessary to consider its prevalence in boarding schools, since these are very generally regarded as one of the most important factors for the advancement of the Indian in the general scheme of supervision devised for his benefit by the Federal Government.

There is well-grounded basis for this belief, for, at no time in his life is the Indian more amenable to civilizing influences than during his stay at a boarding school, nor, by reason of the very complete control which may be exercised in such institutions over his habits, environment, and daily life, is any better opportunity afforded for educating him in the principles of hygiene and home sanitation, and in ingraining these principles into his character so as to insure their practical application upon his return to his reservation and tribe.

The impairment of vision frequently resulting from trachoma constitutes such a menace to his physical and mental efficiency, and the opportunities for its propagation in schools are so numerous and favorable, that it became necessary to examine very carefully into the incidence of this disease in Indian boarding schools.

During the investigations 133 boarding schools were visited by the several officers engaged in the work and 16,470 pupils examined. Although this number has been included in the total number contained in Table I, it is pertinent to consider them separately, and the following Table III shows by States the names of schools visited, the number inspected, the number of cases of trachoma, and the percentage of the disease in each.

[The table above referred to appears as Exhibit B on page 1279 of to-day's RECORD.]

On inspection of the above table it will be seen that 16,470 pupils in Indian boarding schools were examined for trachoma and 4,916 cases of this disease found, or a general percentage of 29.86. The highest percentage found was reported by Guthrie at the Rainey Mountain School in Oklahoma, where out of 114 pupils examined no less than 105, or 92.10 per cent, were found to be suffering from this affection. Only 3 schools contained in the list were found free from trachoma—the Holy Family Mission School, in Wisconsin, and the Friend's Indian and the Thomas Indian schools, in New York. The absence of trachoma infection in these schools is accounted for by the fact that no trachoma was found in the Indian population from which the inmates of these schools are drawn.

Classifying these schools according to the percentages of trachoma found among the pupils, it will be seen, in the case of the 133 schools tabulated, that in 2 schools over 90 per cent of the pupils were found to be trachomatous, in 8 from 80 to 90 per cent, in 10 from 70 to 80 per cent, in 9 from 60 to 70 per cent, in 8 from 50 to 60 per cent, in 8 from 40 to 50 per cent, in 7 from 35 to 40 per cent, in 12 from 30 to 35 per cent, in 14 from 25 to 30 per cent, in 10 from 20 to 25 per cent, in 17 from 15 to 20 per cent, in 11 from 10 to 15 per cent, in 10 from 5 to 10 per cent, in 4 from 0.5 to 5 per cent, and in 3 schools only was not trachoma found. In 88 schools, or approximately 66 per cent

of the total number examined, 20 per cent or more of the pupils examined were found to be suffering from trachoma.

Arizona: Fricks reports the examination of 15 Indian boarding schools in this State, with a total of 2,224 pupils. He found 515 cases of trachoma, or a percentage of 25.85. The greatest amount of infection found was at the Chin Lee Boarding School, where 50 per cent of the pupils were stated to be trachomatous, as contrasting with the rate of 30 per cent found to prevail for the surrounding reservation Indians. He reports that the pupils at this school have had no medical supervision for the past year. The next highest rate was found at the St. Johns Mission School, which he states to be poorly lighted, without medical attention, and the common towel in use in the wash rooms. While the general trachoma rate in the Arizona boarding schools was found to be 28.85 per cent, Fricks found a rate of only 19 per cent in the reservation Indians examined, exclusive of school children.

California: Three boarding schools, with a total of 729 pupils, were examined by Herring in this State. One hundred and seventy-eight cases of trachoma were found, a percentage of 24.41. This is considerably in excess of the general percentage (15.3 per cent) noted for the State. Herring calls attention to the fact that in the large Sherman Institute 133 pupils were members of the mission tribes in southern California, where trachoma is infrequently met with.

Nevertheless, 25 cases of trachoma were found in this group of pupils. Herring believes this to be a convincing proof of the ease with which trachoma may be disseminated through the agency of schools, as it was evident that many of these children did not acquire the infection at their homes. Such infected pupils, however, may well be the means of introducing the disease into territory uninfected at present, upon returning to their families.

Idaho: Five boarding schools were examined by Lloyd, with trachoma percentages running from 22.22 at the Fort Hall Mission School down to 7.69 per cent at the Fort Lapwai Sanitarium School. Thirty-four cases of trachoma were found in the 218 pupils examined, a percentage of 15.6, which is slightly less than the general percentage of 15.96 per cent found in the State. Dr. Lloyd states that the Sanitarium School at Fort Lapwai is a very creditably conducted institution, a fact which may account for the low percentage of trachoma present.

Kansas and Nebraska: These States are considered together, on account of the small number of Indians resident in this section of the country. Herring examined five schools in the two States, including two large nonreservation schools, viz, the Haskell Institute, at Lawrence, Kans., and the Genoa Boarding School in Nebraska. Percentages of 15 and 48 per cent of trachoma, respectively, were found in the pupils of these two institutions. As in the case of the Sherman Institute in California, pupils from a large number of reservations are present, thus emphasizing the possibility of the spread of trachoma from one reservation to another through the agency of returning pupils, even where such reservations are geographically far apart.

Michigan, Minnesota, and Wisconsin: The boarding schools in these States are considered together by reason of their contiguity. In Michigan, Clark examined one large school, the Hayward, with the result that 15.10 per cent of the pupils were trachomatous. This is double the rate of 7.46 per cent computed for the total number of Indians examined in the State. A number of the pupils with trachoma were Chippewas from Mackinac, where the percentage of trachoma among the Indian population is relatively low (1.47 per cent). The inference is strong, therefore, that the disease was contracted at the school, and the return of such pupils to their homes may be expected further to disseminate an infection which is at present but slight.

Minnesota: Ten boarding schools were inspected in this State, 9 by Clark and 1 by Preble. Eight hundred and thirty-three pupils were examined and 193 cases of trachoma found, or a percentage of 23.16. This is again far in excess of the general percentage of 15.05 found for the State. The percentages ran from 42 per cent at the White Earth School down to 1.2 per cent at the Vermillion Lake School. The low percentage prevalent at this school is explained by Clark as due to the very low percentage found among the Indians from which this school is recruited.

Wisconsin: Ten schools were examined by Clark in this State with 1,296 pupils and 137 cases of trachoma, or a percentage of 10.57. This is again nearly double the general trachoma percentage found prevalent in the State. In one school (Holy Family Mission) no case of trachoma was found, while in the St. Mary's Mission School but 1 case out of 194 pupils was detected. These low percentages are again due to the absence of trachoma among the Indians in those parts of the State from which the pupils at these schools are recruited.

Discussing the prevalence of trachoma in the schools of these three States, Clark writes as follows:

"The highest percentage of trachoma among school children is found in the boarding schools of heavily infected reservations. It is found that the percentage of trachoma in boarding schools is invariably in excess of that in the reservations in which they are situated.

"A still more significant fact, from an epidemiological standpoint, is the higher percentage of trachoma in the nonreservation boarding schools than the percentage for the State in which they are situated. Only one explanation is possible for this condition, the intimate personal contact and daily association of the healthy with the diseased in schools must, of necessity, result in an increased number of cases of trachoma in such schools. The ominous portent of such a condition is the possible spread, through children thus infected, of trachoma in Indian populations not infected or only slightly so."

Montana: Eleven Indian boarding schools in this State were examined by White. One hundred and eighty-eight cases of trachoma were found among the 740 pupils examined, or a percentage of 25.27. The highest percentage encountered was at the St. Labres Mission School on the Tongue River Reservation, where 59 per cent of the pupils were found infected, while at the St. Ignatius Mission School on the Flathead Reservation only 17, or 9.88 per cent, out of the 172 pupils were infected.

Nevada: At the Carson School, Billings found a trachoma infection of 12 per cent. This is considerably below the percentage of trachoma found on the reservations of the State, which ranged between 21 and 47 per cent, and forms an exception to the generally greater prevalence of trachoma in boarding schools than on reservations.

New Mexico: Four boarding schools in this State, with a total of 728 pupils and 177 cases of trachoma, were inspected by Smith. The extraordinarily high percentage of 83.87 was encountered in one school, the Presbyterian Mission School. The general prevalence of trachoma for all the boarding schools is 24.31 per cent, slightly in excess of the percentage of 22.38 per cent computed for the State.

New York: Two boarding schools, with a total of 126 pupils, were examined within this State by Leake. No case of trachoma was found, a circumstance well explained by the fact that only in two instances was trachoma present in 943 New York Indians examined. As has already been pointed out, these Indians contracted the infection at a nonreservation boarding school in another State.

North Carolina: At the Cherokee Boarding School examined by Fricks, 11 cases of trachoma, or 8 per cent, were found among the 141 pupils examined.

North and South Dakota: These States are considered together owing to contiguity and general similarity in climate and character of Indian population. Twenty-three boarding schools in the two States were visited by Schereschewsky, Herring, and Preble. A total of 800 and 2,240 pupils were examined in North and South Dakota, respectively, with the result of finding 207 cases of trachoma in the former State and 466 cases in the latter, giving percentages of 25.87 and 20.8 per cent. These percentages, as usual, are in excess of the general percentages computed for these States as a whole, the latter being 22.94 and 17.24 per cent, respectively. The highest percentage found was by Preble at the St. Elizabeth's Mission School at Wakpala, S. Dak., while the lowest was reported by Schereschewsky at the St. Francis Mission School on the Rosebud Reservation, where only 21 pupils out of 270, or 7.9 per cent, were found suffering from this disorder. Schereschewsky points out that trachoma had been vigorously treated at this institution the previous year, which accounts, in part at least, for the low incidence of the disease at this school.

Oklahoma: The prevalence of trachoma in the boarding schools of Oklahoma is so great that it merits special attention. Guthrie reports that he visited 30 schools, inspected 3,069 pupils and found 2,122 cases of trachoma, or 69.14 per cent. In some schools nearly all the pupils were infected with the disease. As the Oklahoma Indians are in rapid process of assimilation with the general population, the prevalence of trachoma among them to such considerable extent constitutes a serious menace to the future general population of that State.

Pennsylvania: Five hundred and fifty-two pupils at the well-known Indian school at Carlisle were examined by Clark and 76 cases of trachoma found, a percentage of 13.76. As has already been pointed out, the presence of trachoma at this institution, with its wide tribal representation is of great moment. An instance has already been cited of pupils, coming from noninfected regions, who contracted trachoma during their stay at a nonreservation boarding school.

Washington and Oregon: Three schools examined by Billings and Lloyd are tabulated for these two States. The general percentage of trachoma found is relatively low, being 9.1 per cent for Oregon and 14.21 per cent for Washington. One small school, however, the Colville Mission, presented the very high rate of 67.74 per cent.

Wyoming: As might be expected from the heavy rate of infection found among the Shoshones and Arapahoes of the Wind River Reservation, the Indian boarding schools of this State presented a high percentage of trachoma among the pupils. Three boarding schools, with a total of 217 pupils, were examined by Herring, and 131 cases of trachoma found, or 60.36 per cent.

It is evident from the foregoing that trachoma is widely prevalent in the Indian boarding schools, and to a greater extent than among the whole number of Indians examined. The conclusion seems inevitable, therefore, that these institutions constitute an important contributory factor to the dissemination of this disease, and may be the means of infecting Indian populations among whom the disease is absent or uncommon.

PREVALENCE OF TRACHOMA IN INDIAN DAY SCHOOLS.

The data collected as to the prevalence of trachoma in Indian day schools were not so complete as those for the boarding schools for the following reasons: Many of the camps were visited on days when the day schools were not in session and the pupils were seen in their homes, or some day schools were located at such distances from agencies (90 to 100 miles) that it would obviously have been wasteful of valuable time to spend several days in travel to see 10 or 20 children when much larger numbers of Indians were at hand for examination. Nevertheless, from the observations made, it would seem that trachoma is, in many instances, as common in the day schools as in the boarding schools.

Thus Fricks in Arizona, as the result of the examination of 990 children in the day schools, found 409 cases of trachoma, a percentage of 41.31. This is greatly in excess of the general rate (24.9) found for the State. In California 11 day schools were examined, with 131 scholars, and a trachoma percentage of 14, in Colorado 1 with a percentage of 25.6, in Iowa 1 with a percentage of 36.66, and in Kansas 2 with a percentage of 41.93.

On the other hand, in Montana the result of the examination, by White, of 473 day-school scholars showed 94, or 19.87 per cent, to be trachomatous, a rate distinctly lower than that found in the boarding schools of the State, and lower than the general rate computed for Montana.

In Michigan, Minnesota, and Wisconsin, Clark examined 334 day scholars, with the result of finding 13 cases of trachoma, a percentage of 3.98. This percentage is relatively low, and corresponds to the low general trachoma rate in the sections where these day schools were situated.

In New York State 335 day-school scholars were examined by Leake, but, as previously stated, no cases of trachoma were found.

In North Carolina 66 day pupils were examined and 6 cases of trachoma found, or 9 per cent. This is 2 per cent in excess of the general rate determined for the Cherokee Indians.

In North Dakota 179 day pupils were inspected by Schereschewsky and 20 cases of trachoma found, or a percentage of 11.8, which is far below the average found either for the boarding schools or the whole number of Indians examined in the State. In South Dakota a similar condition is manifest. Out of 473 day scholars examined by the same investigator in this State, but 23 cases of trachoma were found, or 4.9 per cent. This percentage is seen to be relatively very low when compared to the percentages found in the boarding schools of the State. Schereschewsky states that it can partly be accounted for by the disinclination manifested by the Indians of North and South Dakota to send their children to school when they are suffering from "sore eyes," and partly to curative measures which have been instituted by the Indian Office, particularly at Rosebud, among the Indian day scholars of these States.

In Oklahoma, among 34 scholars in 2 day schools, 23 cases of trachoma were found, or a percentage of 67.2.

In Utah 1 day school was examined, and 7 out of 10 pupils were found to be trachomatous. In Wyoming 8 out of 14 day pupils were found infected with the disease.

The result of the examination of 274 day scholars in Washington by Lloyd gave 66 cases of trachoma present, or 24.48 per cent, a rate in excess of that prevalent in the Indian boarding schools and among the total Indian population examined in that State.

To summarize, out of 3,488 day scholars inspected and considered here, 752 cases of trachoma were found, or 21.55 per cent. If we exclude from the above figures the relatively large proportion of New York day-school scholars, in which no trachoma was found, we find a prevalence, exclusive of the day pupils of this State, of 24 per cent. This is in excess of the general average found for the total examinations, but it is considerably below the percentage found for the boarding schools.

It seems likely that the prevalence of trachoma in the day schools corresponds, in most instances, with the prevalence of the disease on reservations in general, and further strengthens the inference that the higher trachoma rate prevailing in boarding schools is due to the fact that the disease is being spread among the inmates of these latter institutions. Here it is necessary to state, however, that in certain of these institutions little trachoma was found, and the several officers reported in some of them excellent sanitary conditions.

THE PREVALENCE OF TRACHOMA AMONG RESERVATION INDIANS.

On examination of the reports of the several officers engaged in this investigation it appears that 17,822 reservation Indians were examined. This number consists of individuals above and below the school age and does not include the inmates of several boarding schools which were not listed in Table III, because of some defect in the data, nor day-school pupils who were visited in their homes.

Of this number 3,064, or 17.2 per cent, were found to be afflicted with trachoma. The prevalence among this group is seen to be distinctly below the rate found for the total number examined, the boarding-school rate, and the day-school rate. On the other hand, owing to the greater average age of the individuals and the consequent longer duration of the disease, the majority of the instances of visual damage was found among their number. The percentage noted for the several States varied from 60.4 per cent in Oklahoma to 0 per cent in New York and Florida. Other States showing a high rate of prevalence were Utah, with 39.2 per cent; Wyoming, with 37.26 per cent; Nevada, with 36.5 per cent; and Montana, with 30.76 per cent. It is worthy of note in this State that the rate of prevalence among reservation Indians was found to exceed that among the boarding schools and day schools. States with a low rate of prevalence were Michigan, with 1.21 per cent; Wisconsin, with 4.39 per cent; and North Carolina, with 5.45 per cent.

The following table gives the number of Indians examined in each State, the number of cases of trachoma found, and the percentage:

TABLE IV.—Prevalence of trachoma among reservation Indians. [Exclusive of school children.]

State.	Number of Indians examined.	Number of cases of trachoma.	Per cent of trachoma.
Arizona.....	2,759	531	19
California.....	528	45	8.52
Colorado.....	191	17	8.91
Florida.....	22	0	0
Idaho.....	307	46	15
Iowa.....	23	6	26
Michigan.....	246	3	1.21
Minnesota.....	2,585	327	12.64
Montana.....	829	255	30.76
Nevada.....	348	127	36.5
New Mexico.....	962	214	22.24
New York.....	482	0	0
North Carolina.....	110	6	5.45
North Dakota.....	2,478	565	22.8
Oklahoma.....	149	90	60.40
Oregon.....	266	31	11.65
South Dakota.....	3,289	544	16.54
Utah.....	125	49	39.2
Washington.....	359	78	21.7
Wisconsin.....	1,592	70	4.39
Wyoming.....	161	60	37.26
Total.....	17,811	3,064	17.2

The almost uniformly lower rate observed than in the schools and boarding schools is striking, and serves further to strengthen the evidence already adduced as to the part played by the schools in the disseminating of the disease.

On the whole, it is evident, as the result of these examinations, that there is an exceedingly high prevalence of trachoma among the Indians in nearly all sections of the country.

INCIDENCE OF TRACHOMA ACCORDING TO AGE, SEX, AND DEGREE OF INDIAN BLOOD.

As a result of data compiled from the reports of inspections of the several officers and expressed opinions by them, some reference may be made regarding the incidence of trachoma according to age, sex, and degree of Indian blood among those affected.

Age: Of over 2,000 cases of trachoma among 10,425 Indians examined, in which records were kept and compiled regarding age, it was found that approximately 4.5 per cent were under 6 years of age, over 50 per cent were between 6 and 20 years of age, and the remainder above 20 years. It is thus evident that the disease falls heaviest on those of school age. The disease is rare among infants under 1 year of age, but a very few cases were found. The complications of the disease, when permanent, exert their ill effects in after life, frequently affecting ability to engage in useful occupation.

Sex: Out of a group of 10,425 Indians examined in all sections, with 2,067 cases of trachoma among them, it was found that the incidence of the disease was slightly higher among females than among males. Of this total number examined, 5,303 were males with 984 cases of trachoma and 5,122 females with 1,083 cases.

Degree of Indian blood: From the observations made it was evident that the incidence of trachoma was greater among the full bloods than

among the mixed bloods examined. This appeared to be attributable, however, to the more prosperous circumstances and better living conditions among the latter.

#### DAMAGE TO VISION DUE TO TRACHOMA.

A complete census would have been necessary to determine the total percentage of blindness due to trachoma on the several reservations visited. This was obviously impracticable within the time allotted for the inspection, but observations on this point were made among those examined.

These data have been compiled in the case of 23,500 Indians examined. Of this total number 5,505 had trachoma, of which 527 showed marked damage to vision. These injuries were of the usual type and consisted variously of corneal ulcers, corneal opacities, pannus, entropion with keratitis, perforation of the cornea and resulting evacuation of the contents of the eye, etc. In 141 individuals the damage consisted in blindness of one or both eyes.

This by no means represents the extent of visual damage among Indians due to trachoma. It should be borne in mind that in but relatively few cases among the school children had the disease progressed sufficiently far to produce corneal complications, and it was this class of persons that constituted the largest number examined. Moreover, Indians suffering from marked visual disturbance and blindness were least accessible for examination, and some of these unfortunate evaded the examiners because of their sensitiveness in regard to deformities, particularly blindness.

At the San Carlos Reservation, Ariz., out of 2,000 Indians with 11 per cent trachoma, 148 were examined when they came in to draw rations. Fricks states that these latter were the lame, the halt, and the blind of the reservation, and among them were found 15 blind from trachoma. Figured on this basis, a conservative estimate would give between 300 and 400 blind Indians in Arizona as a result of trachoma.

Among the Pueblo Indians in New Mexico Smith found trachoma not only very frequent, but the results unusually serious, 10 totally blind and 19 with vision seriously impaired as a result of the disease, having been seen by him among them.

Clark states that the greatest number of cases of trachoma with serious damage to vision in his territory was found on reservations most heavily infected and on which the infection had long existed.

The greater percentage of visual disturbance reported upon and due to trachoma appeared among the older Indians, since the condition was of long standing in many of these persons. At least 90 per cent of the complications found by Schereschewsky were in reservation Indians exclusive of school children, and he regards this as only natural in view of the long duration and chronic character of the disease.

#### SOURCE AND DURATION OF TRACHOMA INFECTION AMONG THE INDIANS.

According to Fricks, there is some basis for the belief that the infection of trachoma has been recently acquired by the Havasupais outside their reservation, and this is believed to be the case with the Navajos and their first cousins, the Apaches. How long the disease has existed among the purely desert Indians who are in no wise related is mere speculation, but that it is rapidly increasing is the opinion of those who have long known the Indians.

In referring to the possible original source of the infection of trachoma among the Indians of Kansas, Nebraska, Utah, Wyoming, and California, Dr. Herring states that it can not even be guessed at. In conversation with long-time white residents on and near badly infected reservations he was told that there appeared to have been as much blindness and defects of vision and "sore eyes" among the Indians 20 or 30 years ago as to-day. The question arises whether trachoma was really introduced among the Indians in recent times by the whites. Regarding this, Herring observes that the present extent of prevalence among Indians in the States mentioned does not depend on the amount of their contact with the white population; and in Kansas and Nebraska, where the prevalence was not so great, such contact had certainly been longer and closer than in Utah and Wyoming. In California also, where the prevalence was least of any of the States just mentioned, white contact has had its longest duration, dating back to the entrance of the Spanish padres in the latter half of the eighteenth century.

Among the Navajos of New Mexico Smith states that trachoma is apparently scattered throughout the tribe. He was unable to determine where or from what source the infection appeared, but expressed the belief that it was not of recent introduction.

In Idaho and Washington, Lloyd reports chronic cases which gave histories of having had the disease for from 15 to 25 years, but no facts were presented to show the origin of the infection.

According to Clark, trachoma is doubtless of more recent origin than tuberculosis, but has existed for many years. This was evidenced by the finding of many cases of long standing, played-out trachoma of years' duration, and cases that were contracted through contact with subjects long since dead.

No reliable data were available to indicate the origin or duration of the disease in Oklahoma. From statements of some of the older Indians themselves it appeared that the infection had prevailed among their tribes prior to removal from other sections of the country to Oklahoma.

There was evidence to show that trachoma has existed among the Indians of North Dakota for at least the last generation. No information bearing on the origin of trachoma in South Dakota was obtainable. That it has prevailed for a long period of time is evident. A considerable number of cases of long duration were seen. Upon questioning older Indians who were found affected it was learned frequently that they had had the same "sore eyes" for years, usually stating that they had contracted the disease when young, often while attending school.

On the whole, it appears that trachoma has been prevalent among Indians in widely scattered sections for many years, but the source of the infection among them as a race must, in all probability, remain a mystery.

Mr. SMITH of Arizona. Mr. President, can the Senator give the Senate any information as to the prevalence of the disease of the eye of which he has spoken among the Arizona Indians?

Mr. ROBINSON. No investigations have been made by this commission into that subject especially, because the commission which is now reporting is not charged with that duty. These suggestions as to trachoma are made because in the course of

our investigations into tuberculosis these facts became known, and they were thought of sufficient importance to communicate to Congress.

Mr. SMITH of Arizona. If the Senator will pardon me further, this disease, as I understand from communications to me, prevails very largely in Arizona and has been communicated to the Mexican children, and they in the public schools are communicating it to others.

Mr. ROBINSON. In the data which I have in the remarks I am making is contained all the information that is available as to trachoma in Arizona, and it confirms the suggestion made by the Senator from Arizona that it is alarmingly prevalent.

Attention is now directed to the condition of the Indians with reference to tuberculosis. This disease is disclosed to be quite general among the Indians and is not limited to any section or climate. Even in Arizona and New Mexico, where climatic conditions are exceedingly favorable for the treatment and cure of tuberculosis, the percentage of afflicted Indians is shown to be 15 per cent of the whole population of some of the tribes.

For the fiscal year ended June 30, 1912, of 190,791 Indians reported on approximately 26,500 were believed to have tuberculosis.

Thirty-two per cent of the whole number of deaths reported from the various reservations were alleged to be due to tuberculosis. A comparison of the death rate between Indians and whites due to tuberculosis shows that while 32 per cent of the whole number of deaths reported from the various reservations were due to tuberculosis only 11.2 per cent of the deaths occurring in the registration area of the United States were attributable to that cause. The death rate from all causes among the Indians is approximately 33 per thousand for the year 1912, while the Census Bureau places 16 per thousand as the death rate from all causes in the registration area.

In some of the States the death rate for any given period among the Indians appears to exceed the birth rate.

In California, in 1912, 169 births occurred and 250 deaths. In Idaho 110 births and 127 deaths. In Nevada 78 births to 95 deaths. In New York 101 births to 120 deaths. In Oregon 117 births to 130 deaths. In Washington, Wyoming, Wisconsin, South Dakota, Oklahoma, North Carolina, New Mexico, Montana, and Minnesota and several other States the birth rate exceeded the death rate among Indians during the year 1912, but in few instances were the births greatly in excess of the number of deaths.

#### THE PREVALENCE OF TUBERCULOSIS AMONG THE INDIANS.

The existence of tuberculosis among the Indians has been recognized for a long time. Available records of the past no doubt contain many errors due to the wide distribution and inaccessibility of the Indian population, failure to recognize and report cases of tuberculosis, and to the use of inaccurate nomenclature, so that neither the site nor nature of the lesion could be determined. The older records are filled with general terms such as "tubercle," "consumption," and "scrofula."

The records of recent years are more carefully kept, and taken in connection with a better understanding of tuberculosis and a more accurate recognition of tuberculosis cases, furnish fairly reliable data for the estimation of the relative prevalence of tuberculosis among representatives of the three main races of the United States. The death rate from tuberculosis in these three races has been stated to be as follows: White, 1.73 per 1,000; negro, 4.85 per 1,000; Indians, 5.03 per 1,000. Based on this estimate and allowing one death among every seven persons affected, the case incidence of tuberculosis would therefore be 12.1, 33.9, and 35.4 per 1,000, respectively.

Although no accurate data could be obtained relative to the length of time tuberculosis has existed among the Indians visited by the officers engaged in this investigation, an increasing prevalence of this disease among them is shown by the records of the Indian Office and the fact emphasized in various reports submitted by that office from time to time.

By reason of the immense territory to be covered, the restrictions of time allotted to this survey, and the broad field of investigation, officers engaged in this duty found it impracticable to employ methods other than inspection and physical examinations of suspects. Limitations of time also precluded more than one examination of a tuberculous suspect. Two officers engaged in this survey, however, employed the tuberculin (Von Pirquet) test in a certain number of cases for the purpose of estimating the prevalence of tuberculosis among the tribes visited by them. The results of this test are given in another part of this report.

In consideration of the above-mentioned limitations of the examination, it is believed the amount of tuberculosis reported is lower than the number of cases actually existing at present among the Indians visited by these officers.

The significant importance of trachoma, one of the diseases specifically mentioned in the law providing for this investigation, among the school population necessitated the examination of a large number of Indian schools for this disease. These children were also inspected for the presence of tuberculosis among them. The very generally observed regulation of the Indian Office excluding tuberculous children from schools naturally resulted in the finding of a comparatively small number of cases of active tuberculosis in a large percentage of the population inspected.

Arizona: Fricks reports an inspection of 5,873 Indians in Arizona. Of these, 2,224 were boarding-school children with a low percentage of tuberculosis, because tuberculous children are excluded from these

schools by regulation. There were found 114 cases of tuberculosis, namely: Pulmonary, 52; glandular, 54; osseous, 6; other forms, 2.

In discussing tuberculosis incidence in Arizona, Fricks states that the percentage of infection varies from 1.5 per cent among the White River Apaches to 14.6 per cent among the Walapais. He accounts for the low percentage of tuberculosis among the White River Apaches on the grounds that many of them live in isolated teepees built of arrow weed, and the custom of burning the teepee, with everything in it, in which one of them dies.

The highest general prevalence of tuberculosis in Arizona was found among the northwestern tribes, with a percentage of 8.3 among the Navajos to 14.6 among the Walapais. All of these tribes are decreasing in number. The Walapais, therefore, are considered a menace to the public health by reason of this high disease incidence and the fact that they dwell in insanitary hovels at various points along the Santa Fe Railroad.

California: In his report on the prevalence of tuberculosis among the Indians of California examined by him, Billings refers to the insanitary conditions of the homes of the Indians visited, the lack of personal cleanliness of the Indian himself, and his indifference and ignorance regarding the influence of such conditions on health.

The highest percentage of tuberculosis in California was found on the Round Valley Reservation—15 per cent—and among the Indians in the San Quentin Penitentiary. He also gathered from morbidity statistics of this agency a record of 244 cases of measles and 552 of influenza, diseases which are frequently followed by tuberculosis.

Colorado: Smith found a comparatively low percentage of tuberculosis among the Southern Utes of Colorado, though the result of the Von Pirquet test made on 65 school children at Ignacio, Colo., gave 81.5 per cent of positive reactions. It may therefore be assumed that the amount of infection at this point is high, and a more detailed examination of this population than was possible under existing conditions would probably reveal a greater number of cases of tuberculosis than were actually detected at the time of inspection.

Among the Southern Utes inspected at Navajo Springs, Colo., no cases of clinical tuberculosis were found. In the annual report of the Indian Office for the year 1912 these Indians are given special mention for freedom from tuberculosis. Their sanitary condition is considered the highest recorded among the Indians in New Mexico.

Florida: Rucker inspected 22 Seminoles in Florida and found no tuberculosis among those inspected. The aloofness of this tribe made further examinations impossible, but the testimony of the whites who know them well leads to the belief that the disease is uncommon among them. This may be accounted for in part by the equable climate in which they live, their life in the open air, and their abundant food supply of fish and game.

Idaho: Lloyd found 23 cases of tuberculosis among the 461 Indians of Idaho inspected by him, a case incidence of 49.8 per 1,000. His highest percentage of this disease was found on the Coeur D'Alene Reservation, with 6.92 per cent. An examination of 81 Nez Perce Indians at Fort Lapwai revealed no tuberculosis. In respect to the Fort Lapwai Sanitarium School for Tuberculosis, he says:

"The site here is well chosen in so far as Idaho and Washington are concerned. The climate is good, and milk, butter, and eggs, always an important item in such an institution, can be produced in abundance. Considering the difficulties required to be met, this institution is a very creditable one."

Iowa: White found a percentage of 15 per cent among the Sac and Fox Indians of Iowa. This high percentage of tuberculosis is attributed to the general insanitary condition of the dwelling places of these Indians and to their habits. These Indians are also reported to be addicted to the use of the "mescal button," which seems to exert a very pernicious influence over them.

Minnesota: Clark inspected 546 and Preble 187 Indian boarding-school children in Minnesota, and found a total of 27 cases of tuberculosis—10 pulmonary, 16 glandular, and 1 osseous—a percentage of 3.24. The high percentage of tuberculosis, 14.28 in the Vermillion Lake School, at Tower, Minn., is caused by glandular cases entirely.

At the Cass Lake Indian Boarding School the percentage of tuberculosis was found to be 4.25. This school is located 7 miles by water from the agency physician, and is therefore subject to infrequent medical inspection. In St. Benedict's Industrial Indian Mission School, White Earth Reservation, a percentage of 3.19 was found.

He also inspected 2,709 reservation Indians, exclusive of children in Indian boarding schools, and found 145 cases of tuberculosis, 5.35 per cent. Of these 145 cases, 90 were pulmonary, 34 glandular, 19 osseous, and 2 cutaneous forms of this disease. These cases were found in a house-to-house canvass of the various reservations, and are a conservative representation of the prevalence of tuberculosis among the Indians of the State.

The highest percentage of tuberculosis, 23.07, was encountered in a small nonreservation settlement at Pelican Point, near Orr, Minn. Pelican Point is an old Indian settlement, the India homes are disgustingly filthy, and the Indians themselves very poor and much addicted to the use of intoxicants.

On the Leech Lake Reservation the tuberculosis rate was found to be 49.2 per 1,000. Nett Lake Reservation 48.2 per 1,000, Red Lake 55.4 per 1,000, and White Earth 46.8 per 1,000 among Indians inspected for this disease, exclusive of Indian boarding-school children, as compared to the estimated 5 per 1,000 among the white population. Clark reports:

"At Pine Point, White Earth Reservation, the percentage of tuberculosis is 9.52, while that for the whole reservation, including Pine Point, is but 4.68. This percentage of tuberculosis is associated with a like high trachoma percentage, 36.05, and presents a situation demanding specific recommendations."

Michigan: Clark inspected 333 children in Indian boarding schools in Michigan and found 8 cases of tuberculosis, 6 pulmonary and 2 glandular, a percentage of 2.40. The pulmonary cases were in the early stages of the disease held under close observation and therefore only a potential danger to the rest of the school population.

In addition, he examined 310 reservation Indians, exclusive of school children, and found 7 cases of tuberculosis, 6 pulmonary and 1 osseous, or 2.25 per cent.

At Bay Mills, a nonreservation settlement, the highest percentage, 3.54, was found. These Indians have for years been in contact with the white population engaged in the lumber industries of that region. The sanitary condition of their homes is only fair.

Among Indians of the Mackinac Agency, Baraga, Mich., he found very little tuberculosis, only 1.18 per cent. The disease is rare among the white population of this section. The homes of the majority of these Indians compare favorably with those of white people in like

circumstances. Still, their comparative freedom from tuberculosis is largely due to lack of exposure on account of rarity of the disease in the surrounding white population.

Kansas, Nebraska, and Oklahoma: By reason of the location of large nonreservation boarding schools and the consequent examination of a relatively larger proportion of school children than reservation Indians in these States, the reported percentage of tuberculosis found is low. This is due to a regulation of the Indian Service excluding tuberculous children from the Indian schools, and the artificial reduction of the tuberculosis rate in the school population caused thereby. Guthrie, however, in an examination of 305 Cheyennes and Arapahoes in Oklahoma, found 22 cases of tuberculosis, or 7.21 per cent. His next highest percentages were among the Poncas and Seminoles, these percentages being 5.30 and 4.31, respectively.

Montana: Among 2,042 Indians inspected in Montana for tuberculosis White found 247 cases, namely: Pulmonary, 58; glandular, 183; osseous, 6; a percentage of 12.14. The highest percentage of tuberculosis among the Indians of this State, 19 per cent, was found among the Flathead Tribe and the lowest, 5.30 per cent, among the Northern Cheyennes. Other percentages were, Piegans, Blackfoot Reservation, 10.34 per cent; Sioux, Fort Peck, 13.57 per cent; Gros Ventre, Assiniboin, Arapaho, and Sioux, Fort Belknap, 14.10 per cent; Crow, 15.38 per cent. He attributes this great prevalence of tuberculosis among the Indians of Montana to filthy habits, insanitary homes, and the use of intoxicants by these Indians.

Nevada: Billings inspected 522 reservation Indians in Nevada and found 62 cases of tuberculosis, 21.43 per cent. These cases are classified as 38 pulmonary, 21 glandular, 3 osseous, and 1 cutaneous. A percentage of 32.67 of tuberculosis was found among the Palutes of Pyramid Lake Reservation. Among 101 Indians examined on this reservation he found 33 cases of tuberculosis classified as pulmonary, 29; glandular, 3; osseous, 1.

Among 185 Palutes and Shoshones examined on the Western Shoshone Reservation, 30 had pulmonary tuberculosis, 10 glandular, and 1 osseous, a total of 41; a case incidence of 221 per 1,000 of those examined.

Among 100 Palutes examined at Fort McDermitt were found 16 pulmonary and 2 glandular tuberculosis cases, a total of 18, or 180 per 1,000.

Among 329 children examined in four Indian schools he found 62 cases of tuberculosis, or 18.84 per cent. These school children are drawn from an Indian population in which tuberculosis is found to prevail to an alarming extent. This accounts for the large number of cases in the schools inspected. He explains this heavy prevalence on the ground that Indian customs and insanitary dwellings favor the spread of tuberculosis.

New York: Leake reports a tuberculosis percentage of 1.27 among 865 Indians examined by him for this disease in New York. The average duration of illness, four years in the pulmonary cases, he properly infers does not indicate an extreme susceptibility on the part of these Indians when once infected.

From rather indefinite data Leake is inclined to think tuberculosis is on the decrease among the Iroquois Indians, or else many affections believed to be tuberculosis in the past were not tuberculosis at all.

The sanitary condition of their homes is comparable to that of white people in like circumstances. Furthermore, the nutrition of these Indians is good, their food supply being largely of home production, and eggs, meat, vegetables, and fruits are used daily in most families.

New Mexico: The highest percentage of tuberculosis among the Indians of New Mexico is found by Smith among the Apaches of the Jicarilla and Mescalero Reservations, being 9.45 and 7.21 per cent, respectively.

The Jicarilla Reservation Indians, who dwell in teepees, present a higher percentage of tuberculosis than is found on the Mescalero Reservation where the majority of the Indians are domiciled in houses, showing that careless habits, poverty, lack of proper food, lack of cleanliness, and bad social customs after all are the great determining factors in the spread of this disease.

On the other hand, he reports that the lowest percentage of tuberculosis prevails among the Navajo and Zuni Tribes. The Navajos are prosperous and well fed, it being a poor family that does not possess from 100 to 1,000 head of sheep and goats. The construction of their dwelling, the "Hogan," permits ventilation. It is a custom of these people to spend much of their time sitting outdoors in the sunshine in front of their "Hogans."

The Zunis are thrifty and industrious. The interiors of their dwellings are often whitewashed, and their construction facilitates ventilation. Moreover, the floors of these dwellings are often renewed by spreading on a thin layer of moist material which subsequently hardens. Thrift, good food supply, and improved sanitary condition of the home are the main cause of the low comparative percentage of tuberculosis among these people.

Smith employed the Von Pirquet test for the determination of tribal infection to tuberculosis. This test consists in the inoculation of the skin with tuberculin, a subsequent reddening at the site of the inoculation within 36 to 48 hours indicating a positive reaction. In all, 1,225 children of school age were inoculated, with 760 positive reactions, a percentage of 64.40.

Since the Von Pirquet test is not a method diagnostic of active tuberculosis, but simply an accurate index of exposure to tuberculous infection, by reason of the fact that it is an evidence of tubercular infection, either remote or present, upon which recovery may or may not have supervened, the percentage of 64.4 is indicative of a heavy infection among the Indian tribes of New Mexico and of the amount of exposure to infection.

McNeil in the Edinburgh Medical Journal, April, 1912, reports the percentage of positive reactions to this test among 531 white children to range from 14.1 per cent for children under 1 year to 55 per cent in girls from 11 to 14 years. A group of 170 boys from 11 to 14 years out of the total number gave 60.5 per cent.

Smith's figures show a considerably higher percentage of positive reactions among the Indian children on whom he made this test, evidencing wide infection, but also indicating considerable resistance on the part of these Indian children to tuberculosis in spite of insanitary surroundings. A further evidence of this latter fact was seen in the examination of the chests of 83 children, giving a positive reaction of 57.8 per cent without finding any clinical tuberculosis.

These very valuable observations support the contention that the Indian is not peculiarly susceptible per se to tuberculosis, but that the great prevalence of this disease among them is due largely to their social habits and insanitary surroundings.

The tabulation by Smith of his results is presented in the following table:

TABLE V.—Comparative death rate from tuberculosis—Tuberculin reactions.

Tribe.	Number of years' statistics.	Total number of deaths.	Deaths from tuberculosis.	Percentage of deaths from tuberculosis.	Percentage of positive tuberculin reactions, children under 11 years.	Percentage of positive tuberculin reactions, children over 11 years.
Mescalero Apache.....	10	220	89	40	63.6	82.3
Hicarilla Apache.....	2	100	41	41	68.7	95.5
Southern Ute (Ignacio, Navajo Springs).....	2	24	10	41.66	72.4	88.8
Southern Ute.....	2	10	2	20	75	62.5
Navajo.....	24	377	41	53	46	78
Zuni.....	10	4371	18	4.85	26.8	55.38
Taos.....	15	( <sup>e</sup> )	4	( <sup>e</sup> )	3.5	1.42
Laguna.....	5	140	31	22	44.6	63.15
San Juan, Santa Clara, San Ildefonso, Nambé, and Tusuque.....	2	59	7	11.9	70	81
Cochiti.....	9	125	11	8.8	60	744

<sup>1</sup> Boys only.  
<sup>2</sup> Incomplete.  
<sup>3</sup> Not representative in a population of 8,000.  
<sup>4</sup> Known causes only.  
<sup>5</sup> Unknown.  
<sup>6</sup> Only 2 subjects.  
<sup>7</sup> Only 9 subjects.

Table V shows the percentage of positive reactions to the tuberculin (Von Pirquet) test as compared with the death rate from tuberculosis compiled from the agency records among the Indians of New Mexico. It will be seen that a high percentage of reactions to the tuberculin test is found associated with a like high death rate from tuberculosis. Therefore the result of this test in a given population under known conditions not only enables us to calculate the probable death rate from tuberculosis, but also serves as an index of the actual prevalence of this disease.

North Carolina: Fricks examined 317 Cherokees in North Carolina and found 6 cases of tuberculosis, 4 pulmonary and 2 glandular, a percentage of 1.89. He says: "The Cherokees, numbering 2,115, with 41 per cent full bloods and 59 per cent mixed, are citizens of North Carolina. They live just as the poorer white mountaineers of that section."

North and South Dakota: North and South Dakota are treated as a unit in the consideration of the prevalence of tuberculosis among the Indian population because of their contiguity, and also because two officers—Schereschewsky and Preble—collected data independently in these two States.

In all, 9,568 Indians were examined in these two States and 361 cases of tuberculosis found.

Tuberculosis incidence was considered by each of the two officers from the standpoint of—

(1) Tuberculosis in reservation Indians, exclusive of schools. Of these, 5,813 were examined and 296 cases of tuberculosis found, a percentage of 5.09. Of these there were 162 pulmonary, 108 glandular, 19 osseous, and 7 cases of all other forms of tuberculosis.

(2) Tuberculosis in Indian boarding schools. There were examined 3,103 Indian boarding-school children in these two States and 52 cases of tuberculosis found among them, namely, 18 pulmonary, 32 glandular, 5 osseous, and 1 of other forms, a percentage of 1.67.

(3) Tuberculosis in Indian day schools. Schereschewsky examined 652 children in Indian day schools of the two Dakotas and found 9 cases of tuberculosis, 4 pulmonary and 5 glandular, a percentage of 1.38. Schereschewsky properly observes:

"Cases of tuberculosis found among the reservation Indians examined, exclusive of those in attendance at schools, give us a much better idea of the incidence of tuberculosis among the Indians of the Northwest than the tables relating to its prevalence in schools. In school children we are dealing with a class in which the incidence of tuberculosis is artificially diminished by the exclusion from their number of those suffering from the disease. Among reservation Indians such is not the case."

He found the highest percentage, 5.89, of tuberculosis among the Indians of North Dakota, on the Fort Berthold Reservation, and the lowest at the Turtle Mountain Reservation, where only 0.92 per cent of the Indians examined were found to be tuberculous. A compilation of agency mortality records by Schereschewsky shows that tuberculosis causes approximately 22.32 per cent of all the deaths in the reservations visited by him. This, he says, is twice the percentage, 11, found in the registration area of the United States. "The tubercular death rate is 6.99 per thousand, or 4.37 times the white death rate (1.63) per thousand." (Mortality Statistics, Bureau of Census Bul. 109.)

Oregon: Billings inspected 316 Indian children in the Salem non-reservation boarding school and found 11 cases of pulmonary tuberculosis, 29 glandular, and 3 osseous, a total of 23, or 13.6 per cent.

Among 788 reservation Indians examined were found 61 pulmonary, 59 glandular, 8 osseous, and 3 of other forms of tuberculosis, a total of 131, or 16.62 per cent.

The highest percentage, 24.56, of this disease was found in the various tribes of the Siletz Reservation. Percentages for other reservations are: Klamath Lake, 20.27; Umatilla, 20.66; and Warm Spring, 23.75.

Pennsylvania: Among the 552 students of the Carlisle Indian Boarding School, Carlisle, Pa., who were inspected for tuberculosis, 26 cases of this disease were discovered, or 4.7 per cent. Of these cases of the disease 8 were pulmonary, 17 glandular, and 1 osseous. The Carlisle school receives pupils from nearly every tribe in the United States. In view of the great prevalence of tuberculosis among some of these tribes, a certain number of cases of tuberculosis may be expected to develop in this student body in the course of each scholastic year.

At Carlisle are found facilities for caring for a small number of tuberculous students, who are in the early stages of this disease.

Attached to the school hospital are sleeping porches wherein students infected with tuberculosis sleep in the open air.

An agreement has also been entered into by the school authorities with the State of Pennsylvania whereby certain of these Indian students in the more advanced stages of tuberculosis are taken into the State Tuberculosis Sanatorium at Mount Alto, Pa.

Utah: Among the Uintah and Ouray Indians of Utah, 182 were inspected and 8 cases of tuberculosis found, 4 pulmonary, 3 glandular, and 1 osseous, a percentage of 4.39.

Virginia: Cumming inspected 43 Indian students at the Hampton Normal Institute, Hampton, Va., and found 3 cases of tuberculosis, 2 pulmonary and 1 osseous, a percentage of 6.97.

Washington: Lloyd inspected 1,347 Indians, including school children, in Washington, and found 73 cases of tuberculosis, namely, 48 pulmonary, 21 glandular, and 4 osseous, a percentage of 5.41 for the State.

The large number of school children inspected and included in the total number used for the calculation of the percentage of prevalence of tuberculosis in this State, reduces the tuberculosis rate by reason of the exclusion of known tuberculous pupils from Indian schools. It is therefore believed that the prevalence of tuberculosis among these Indians is much greater than shown by the figures presented herewith.

Among the D'wamish and allied tribes, exclusive of the Cushman and Tulalip Schools, Lloyd found the following percentages of tuberculosis according to reservations: Lummi, 11.95; Squamish, 13.51; Swinomish, 10.20. On the Colville and Spokane Reservations the percentage of tuberculosis was found by him to be 8.26. Washington may therefore be classed with California, Oregon, and Nevada as one of the States in which the greatest prevalence of tuberculosis was found in the course of this investigation.

Lloyd considers tuberculosis a serious problem among the Indians of Washington. Specific mention is also made of overcrowding in poorly ventilated houses as the principal factor in producing this heavy tuberculosis infection.

Wisconsin: An inspection for tuberculosis was made of the Indians in all boarding schools and reservations in Wisconsin. A total of 1,703 reservation Indians, exclusive of school children, was inspected and 52 cases of tuberculosis were found, a percentage of 3.05 for the State. The greatest relative number of tuberculosis cases was found among the Indians of the Lac Du Flambeau Reservation, with a percentage of 6.48. The majority of these Indians dwell in very insanitary homes and their customs and habits favor the spread of this disease among them.

The following percentages of tuberculosis were found among the Chippewas of Wisconsin: Lac Courte Oreille, 3.72 per cent; La Pointe, 4.73 per cent; Red Cliff, 2.89 per cent.

Among the Monominees and Oneidas the percentage of tuberculosis among those examined was found to be 1.35 and 2.76, respectively. The sanitary condition of the majority of the homes visited among these Indians was good. The Oneidas cultivated a considerable part of their lands and are self-supporting.

Among the 1,296 children examined in the Indian boarding schools of Wisconsin were found 37 cases of tuberculosis, of which number 24 were pulmonary, 9 glandular, 3 osseous, and 1 cutaneous, or 2.98 per cent.

At the Lutheran mission, Stockbridge Reservation, 8.88 per cent of tuberculosis was found. In the Government school at Keshena, Menominee Reservation, the percentage was 7.69. This percentage includes the children of this school transferred to the agency hospital at that place.

The presence of tuberculosis in these boarding schools, however, is adventitious and due to reluctance on the part of the school authorities to return children in the early stage of this disease to insanitary homes and to a poor food supply.

The tuberculosis case incidence among the Indians of Wisconsin, inclusive of school children, according to data collected in this investigation, is 29.6 per 1,000.

Wyoming: Among the Arapahos and Shoshones of the Shoshone Reservation in Wyoming 392 Indians were examined, and 13 cases, or 3.31 per cent, of tuberculosis was found.

CONSIDERATION OF RECORDED DEATHS FROM TUBERCULOSIS.

During the inspection complete data were not found at all the agencies by officers engaged in the work. On request, therefore, the Office of Indian Affairs furnished a compilation from their records of the birth rate, death rate, and number of deaths reported as due to tuberculosis among the Indian population of the United States during the fiscal year 1912. From these data was compiled the following table. It is proper to add that, in view of the known difficulties on many of the reservations in obtaining accurate information as to the causes of deaths among Indians, some of these figures must be in the nature of estimates. It is likely that many deaths among Indians are considered by them to be due to tuberculosis, and so reported to the agency, when no physician has been called, that were not caused by this disease at all.

TABLE VI.—Indian birth rate, death rate, and death rate due to tuberculosis, 1912.

[From a compilation by the Office of Indian Affairs.]

State.	Population.	Births during year.		Deaths during year.		Deaths due to tuberculosis.	
		Total.	Per 1,000.	Total.	Per 1,000.	Total.	Per 1,000.
Arizona.....	38,383	2,187	57	2,187	57	873	22.7
California.....	8,637	169	20	259	29	63	7.5
Colorado.....	860	35	41	16	19	2	2.3
Idaho.....	3,823	110	29	127	33	47	12.2
Iowa.....	264	13	36	18	41	12	32.8
Kansas.....	1,317	47	36	40	30	11	8.3
Michigan.....	255	4	16	6	24	3	11.7
Minnesota.....	10,843	439	40	290	27	96	8.6
Montana.....	11,242	433	38	311	27	112	9.9
Nebraska.....	3,832	141	37	119	31	10	2.6
Nevada.....	2,573	78	30	95	37	38	14.8
New Mexico.....	10,689	580	54	319	29	39	3.6
New York.....	4,058	101	24	120	29	.....	.....
North Carolina.....	2,078	121	58	58	28	16	7.7
North Dakota.....	8,389	342	41	210	25	61	7.2

TABLE VI.—Indian birth rate, death rate, and death rate due to tuberculosis, 1912—Continued.

State.	Popula- tion.	Births during year.		Deaths during year.		Deaths due to tuberculosis.	
		Total.	Per 1,000.	Total.	Per 1,000.	Total.	Per 1,000.
Oklahoma.....	15,896	613	38	422	27	85	5.3
Oregon.....	3,401	117	34	130	38	29	8.5
South Dakota.....	20,333	774	38	627	38	241	11.8
Utah.....	1,305	38	28	35	27	11	3.2
Washington.....	11,740	294	25	262	22	99	8.4
Wisconsin.....	9,816	344	35	247	25	46	4.6
Wyoming.....	1,697	68	40	60	35	7	4.1
Total.....	171,535	7,048	41.08	5,949	34	1,901	11

It will be observed on comparing this table with the case incidence of tuberculosis found, by the officers engaged in this investigation, among these Indians examined, such incidence is correspondingly high on one or more reservations in the majority of the States in which the tuberculosis death rate is high.

Mention has been made in another part of this report of the inability of the medical officers engaged in this investigation to make repeated examinations of tuberculous suspects by reason of the short time allowed for the completion of the survey. The detection of tuberculosis may not be easy in its earliest stages even with the aid of all modern appliances in use for that purpose, and then only after repeated examinations of the suspected subject. The medical officers were restricted to the making of a physical examination of each suspect, and to but one examination. For these reasons it is believed the percentages of tuberculosis incidence found during this investigation are lower than a more detailed and prolonged inspection would reveal, and may be considered in the nature of a preliminary sanitary survey. However, this survey as conducted has revealed so great a prevalence of tubercular infection among the Indians inspected as to warrant the immediate adoption of measures for the relief of this situation in the Indian population of our country.

#### CAUSES OF PREVALENCE OF TUBERCULOSIS AMONG THE INDIANS.

The prevalence of tuberculosis among Indians is generally attributed by those familiar with the subject to marked changes in their habits of living occasioned by contact with our civilization. Formerly the Indians lived in tepees, engaged in outdoor sports, and were nomadic, earning their living by hunting, fishing, and trading. Contact with the white man has worked radical changes in the habits and occupations of the Indians. They have been collected on reservations, and their former hunting grounds converted into farms and pastures. Hunting and fishing are no longer profitable. Every energy is being exhausted by the Government to convert the hunter into a farmer, and thus to transform the Indian race into an agricultural people. This transition encounters the inherent difficulty of determined resistance on the part of the Indian, who is slow to renounce the customs and habits which have characterized his race through many centuries. The substitution of houses for tepees has resulted in the adoption of habits of living conducive to the spread of tuberculosis. In many Indian homes sanitary conditions are frightful. Whole families live in single rooms with no ventilation, ignorant of the precautions necessary to promote health, and without the means of avoiding infection and contagion. Bad air, scant and unwholesome food, overcrowding in poorly constructed houses, and other insanitary habits have made the white plague a menace to the Indian race.

#### WHAT IS NOW BEING DONE TO REMEDY THESE CONDITIONS.

For the fiscal year ending June 30, 1912, there were 53 small hospitals and sanatoria in the Indian service, the total capacity of the same being limited to 1,256 patients. Since that time a few others have been constructed. For the most part these are mere school hospitals with only sufficient capacity to accommodate sick pupils. Little is being done to prevent the spread of the disease, because no provision has been made therefor by Congress. The discovery of the prevalence of tuberculosis among the Indians is of comparatively recent date. The Indian Bureau and its head, Commissioner Sells, realize the necessity for a feasible and comprehensive remedy. Owing to the vast territorial area of many of the reservations and the inadequate means now supplied, the present system is inefficient and not capable of properly dealing with this important problem.

When the Indian appropriation act, approved June 30, 1913, was under consideration in the Senate, an amendment was inserted in the bill carrying \$100,000 for the establishment and maintenance of a general tuberculosis sanitarium for the treatment of Indians generally. It was suggested that this sanitarium should be established at a point in New Mexico on the Mescalero Reservation, about 10 miles from the nearest railway station and nearly 50 miles from the agency. In lieu of this provision the conference on the bill authorized this commission and directed it, as a part of the duties prescribed, to inquire into the feasibility and necessity for such a sanitarium. The proposed site is one of rare beauty, having an altitude of

more than 5,000 feet. It is, however, inaccessible on account of its remoteness from any railroad and from the Mescalero Agency, near which the greater number of Indians in that locality reside.

The commission does not recommend the establishment at any point of a central tuberculosis hospital for Indians as feasible or advisable. In reaching this conclusion we have been governed in part by the judgment and experience of many Indians whose opinions have been expressed before the commission, as well as that of officers and employees in the Indian Service who have devoted especial attention to the question.

No considerable number of Indians afflicted with tuberculosis could conveniently or would willingly avail themselves of treatment in such an institution. The characteristic affection of Indian parents for their children prompts them to oppose any system of relief which would require the removal of their afflicted offspring to a hospital so remote that they would be deprived of visiting and administering to their wants. Such a hospital would be available only for those residing on near-by reservations. To accomplish any substantial benefit through a central sanitarium it would be necessary to require by law the forcible transportation to the hospital and the confinement there of the afflicted. This would meet with universal resistance, and the consequent dejection and despondency resulting to patients compelled to attend the hospital would make recovery or improvement in any case improbable. Moreover, comparatively few of the total number of Indians afflicted with tuberculosis could be treated in a single hospital.

We are therefore unable to recommend the establishment of a tuberculosis sanitarium in New Mexico for the treatment of Indians generally, and in view of the urgency and importance of the subject, recommend the adoption of a much more practicable plan looking both toward the relief of those now afflicted, and the removal of the causes and conditions which have occasioned the spread of the disease.

#### The commission recommends—

First. That provision be speedily made for the establishment of temporary hospitals on the several reservations where tuberculosis is known to be common, to which afflicted Indians may go or be removed for treatment. These hospitals may be inexpensive, but should be provided with necessary apparatus, nurse help, and medical service. It will probably not be necessary to provide for the forcible removal of patients to these hospitals. On the contrary, it is believed that the Indians will facilitate the work to be done at these hospitals and gladly avail themselves of the opportunities for treatment there to be afforded. In this way within 5 or 10 years treatment can be given to practically all tuberculosis Indians in the United States and many of them can be restored. As an illustration of the possibilities of this plan, at the sanitarium maintained by the Phoenix Indian School in Arizona, about 90 per cent of the patients treated there during the last year are claimed to have recovered. Even if it be true that this high percentage of cures is attributable in part to the favorable climatic conditions at Phoenix, it is believed that the system is capable of producing gratifying results on all the reservations which may be supplied with camp hospitals.

Second. No system looking solely to the relief of those now afflicted can be complete or satisfactory. Science has demonstrated that tuberculosis is preventable, and can therefore be eradicated. In order to accomplish this broader purpose, systematic instruction in sanitary habits of living must be given the Indian and sanitary requirements enforced.

It is suggested that a force of field matrons be provided to visit Indian homes and give instruction in housekeeping and house cleaning, reporting from time to time to the superintendent of the reservation or the physician in charge of the camp hospital. Accurate information as to the condition and number of afflicted Indians may be thus obtained. No attempt, however, is here made to outline the details or define the various methods which experience may prove necessary on the different reservations.

Undoubtedly the plan here proposed will increase the number of employees in the Indian service and the expense of its maintenance. But this appears unavoidable. These expenses may be paid in some cases from the tribal funds. Where no tribal fund exists the burden must be borne by the Government.

#### THE WORK SHOULD BE DONE BY THE INDIAN SERVICE.

The question may arise whether this work should be done through the direct agency of the Indian service, or by the Public Health and Marine-Hospital Service. On the one hand it would seem to logically fall under the bureau in charge of the Public Health and Marine Service. On the other, it is doubtful whether it would be wise to place the health department of the Indian service under a bureau in a different de-

partment of the Government. If this were done conflicts in authority, rivalries, and jealousies might impair and retard the progress of the important work here recommended to be undertaken. While the matter is open to controversy, sound policies of administration seem to me to require that the work be carried forward under the supervision of the Bureau of Indian Affairs. Certainly a force should be created with sufficient resources to adequately and intelligently deal with this far-reaching problem, indirectly chargeable to the inefficient manner in which the Government has dealt with its wards, the Indians.

The history of the American Indian is both romantic and pathetic. We may contemplate with amazement and admiration the tenacity with which the Jewish people have clung to their racial characteristics through centuries of persecutions and wanderings.

How different is the story of the Indian. He has but feebly withstood the shock of contact with other races. His instincts and virtues seem inseparably connected with freedom from restraint and personal liberty unlimited by law or custom. His origin is enveloped in mystery. Here and there still remain scattered and rapidly disappearing evidences of ancient Indian civilizations.

Recoiling before the advance of progress, the Indian has relinquished the possession of this continent and abandoned his primitive pursuits and ideals. Hesitating and mistrustful he has rebelled against the fate which is scourging him into helplessness and dependency. Loyal to savage institutions, the Indian has not responded promptly to the influences of civilized life.

Whatever defects exist in the normal Indian character, his ferocity as an enemy is excelled by his fidelity as a friend. Few instances of Indian ingratitude are recorded. He has been faithful to the hand that has protected him. The loyalty of our Indian allies during the Revolution is a familiar and pleasing chapter in American history.

Mr. President, there is a stain of shame upon our flag. We have not kept faith with the Indian. Perhaps it was the law of progress that we should conquer him; unavoidable that his hunting grounds should be transformed into fields; inevitable that by war and treaty, by sword and promise, he should be impoverished and despoiled. It is not to our shame, nor to his, that we have beaten him in battle, for the Indian fights with all the energy of despair. It is not regrettable that we have reclaimed a continent from savagery and compelled the Indian to yield to the processes of civilization. Our disgrace arises from unfulfilled promises, violated treaties. Herein the record is shamefully consistent. It is relieved by few instances of pledges honestly fulfilled.

Driven back upon the desert and herded in half-starved bands on senarid reservations, the American Indian faces threatened extinction. Our Indian policy has heretofore been unsatisfactory and has resulted in gross injustice. Must it henceforth be marked by offensive restraint and charity, which in the end may reduce the race to abject dependency?

The total of our dealings with the Indians is not to our credit. We have taught him vice and immorality and communicated to him diseases which threaten his extinction. The time for revision of our Indian policy is at hand. The first principle to be recognized is simple justice, common honesty, honest restitution. To accomplish this a reorganization of the Indian Service seems necessary. The present Commissioner of Indian Affairs is alert and capable and willing to lead this reform.

On the title-page of a current publication appears a striking picture; it represents an aged emaciated Indian chief, clad in the habiliments of a vain and vanished glory, dismounted, standing beside his wasted, half-starved steed on the brow of a barren hill; no other sign of life. About him the desert stretches in solitude and sublimity. Behind him the winds gather the drifting sands in gray and yellow clouds. At his feet the bones of a buffalo lie bleaching, while from the desert's rim the dying day signals farewell.

Mr. President, "When the last grim joke is entered in the big black book of jobs," when the accounts of history are finally balanced and our civilization credited with every achievement to which it is entitled—the reclamation of a continent from savagery, the spread of knowledge, the progress of science, the promotion of universal peace and liberty, the establishment of the reign of moral force—whatever of restitution remorse may in the meantime prompt or justice compel, our Government will still be debtor to the Indian race. Must the balance be recorded in the blood of a doomed people?

Mr. President, I ask that the findings and recommendations of the commission be printed in the CONGRESSIONAL RECORD and

printed as a document and referred to the Committee on Indian Affairs. The testimony is now being printed as part of the report.

There being no objection, the report was referred to the Committee on Indian Affairs and ordered to be printed as a document and to be printed in the RECORD, as follows:

REPORT OF THE FINDINGS OF THE JOINT COMMISSION ON INDIAN TUBERCULOSIS SANITARIUM AND YAKIMA INDIAN RESERVATION PROJECT (H. DOC. NO. 505).

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

The joint commission of Congress to investigate the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Wash., for the benefit of the Indians of said reservation, respectfully submits the following report:

AUTHORITY AND DUTIES OF THE COMMISSION.

This commission was created by the act of Congress approved June 30, 1913, the Indian appropriation act, section 23, under the following provisions:

A commission consisting of two members of the Senate Committee on Indian Affairs, to be appointed by the chairman of said committee, and two Members of the House of Representatives, to be appointed by the Speaker, is hereby created for the purpose of investigating the necessity and feasibility of establishing, equipping, and maintaining a tuberculosis sanitarium in New Mexico for the treatment of tuberculous Indians, and to also investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River, Wash., for the reclamation of the lands on said reservation, and for the use and benefit of the Indians of said reservation. That said commission shall have full power to make the investigations herein provided for, and shall have authority to subpoena and compel the attendance of witnesses, administer oaths, take testimony, incur expenses, employ clerical help, and do and perform all acts necessary to make a thorough and complete investigation of the subjects herein mentioned, and that said commission shall report to Congress on or before January 1, 1914: *Provided*, That one-half of all necessary expenses incident to and in connection with the making of the investigation herein provided for, including traveling expenses of the members of the commission, shall be paid from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate on vouchers therefor signed by the chairman of the said commission, who shall be designated by the members of the said commission.

Under the foregoing provisions of law, Senators ROBINSON, of Arkansas, and TOWNSEND, of Michigan, and Representatives STEPHENS, of Texas, and BURKE, of South Dakota were appointed members of said commission, and organized on the 25th day of August, 1913, by the election of Senator ROBINSON as chairman and Ross Williams, of Arkansas, as special clerk and stenographer.

Two distinct tasks were imposed on this joint commission:

First. To investigate and report on the feasibility of establishing and maintaining in New Mexico a sanitarium for the treatment of Indians afflicted with tuberculosis.

Second. To investigate and report on the necessity and feasibility of procuring impounded waters for the Yakima Indian Reservation or the construction of an irrigation system upon said reservation to impound the waters of the Yakima River, Wash., for the reclamation of the lands of said reservation and for the use and benefit of the Indians of said reservation.

PROPOSED TUBERCULOSIS SANITARIUM IN NEW MEXICO FOR INDIANS.

The joint commission visited a number of Indian reservations and schools in several States, held hearings and investigated conditions with reference to tuberculosis among the Indians, the prevalence of the disease, and the most practical means of combating it.

Senate Document No. 1038, Sixty-second Congress, third session, relating to contagious and infectious diseases among the Indians, was available for the use of the commission. This document is a report by the Public Health Service of investigations made in accordance with the act of Congress approved August 24, 1912, into the prevalence of contagious and infectious diseases among the Indians of the United States.

The information contained in Senate Document No. 1038, above referred to, while incomplete and not claimed to be entirely accurate, is, for the purposes of this investigation, reliable, and, in connection with the testimony taken by the commission, sufficient to compel the conviction that both trachoma and tuberculosis are quite general among the Indians and that tuberculosis in some localities is rapidly increasing.

For the fiscal year ending June 30, 1912, out of 190,791 Indians reported on approximately 26,500 were estimated to have tuberculosis. Thirty-two per cent of the whole number of deaths reported from the various reservations was alleged to be due to tuberculosis. Out of the total Indian population of 322,765 it is believed that there are approximately 26,500 cases of tuberculosis. We believe that on some of the reservations the percentage of the afflicted is one-fourth of the entire population. A comparison of the death rate between Indians and whites from tuberculosis discloses that 32 per cent of the whole number of deaths reported from the various reservations was due to tuberculosis, as against 11.2 per cent of the deaths occurring from the same cause in the registration area of the United States.

The death rate from all causes among the Indians is approximately 32.24 per thousand. The Census Bureau gives 16 per thousand as the death rate in the registration area. While in a few localities tuberculosis among the Indians is not more common than among the whites residing in neighboring communities, on many reservations conditions are such that the disease is likely to spread very rapidly unless a campaign against it is speedily inaugurated.

It appears that for the year ending June 30, 1912, there were 53 hospitals and sanitariums in the Indian service, with a capacity of 1,256 patients. For the most part these are mere school hospitals, with only sufficient capacity to accommodate sick pupils. The discovery of the generality of tuberculosis among the Indians is of comparatively recent date. The Commissioner of Indian Affairs realizes the necessity for promptly adopting some feasible method to remedy the deplorable conditions herein set forth. Owing to the vast territorial area of many of the reservations and the inadequate medical and other necessary service now afforded, little can be done to check the disease until Con-

gress has provided the necessary means. When the Indian appropriation act approved June 30, 1913, under which this commission was created, was under consideration in the Senate, an amendment carrying \$100,000 for the establishment of a central tuberculosis sanitarium for the treatment of Indians generally was inserted in the bill. It was suggested that this sanitarium should be established at a point in New Mexico on the Mescalero Reservation approximately 50 miles from the Mescalero Agency, for the treatment of tuberculous Indians from the various reservations throughout the United States.

The following letter from the chairman to the Commissioner of Indian Affairs, September 8, 1913, and his reply thereto, with accompanying data, disclose not only the alarming prevalence of said diseases among the Indians, but also the totally inadequate facilities available for the use of the department in checking the ravages of trachoma and tuberculosis:

SEPTEMBER 8, 1913.

HON. CATO SELLS,  
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. SELLS: Will you please furnish for the use of the commission appointed to investigate the management and conduct of the Bureau of Indian Affairs a statement showing:

1. The number and percentage of Indians afflicted with trachoma at Indian schools and on the Indian reservations.
2. The number and percentage of Indians afflicted with tuberculosis and the deaths from these diseases among Indians on reservations and in the schools; also a comparison of the death rate as between the Indians and the whites from tuberculosis in the registration area of the United States.
3. The number and capacity of each hospital available for Indians.
4. Whether, in your judgment, it would be desirable to have a large hospital on the Mescalero Reservation or smaller hospitals at the various reservations where conditions are most acute.

I should appreciate early information regarding these subjects.  
Sincerely, yours,

JOE T. ROBINSON, Chairman.

SEPTEMBER 9, 1913.

MY DEAR SENATOR: In response to the questions submitted in your letter of September 8, I have the honor to reply as follows:

1. The number and percentage of Indians afflicted with trachoma at Indian schools and on Indian reservations.

(a) At Indian schools (boarding).

State.	Examined.	Cases.	Per cent.
Arizona.....	2,242	515	22.91
Idaho.....	218	34	15.6
California.....	729	178	24.41
Kansas.....	766	148	19.52
Michigan.....	298	45	15.1
Minnesota.....	833	193	23.16
Montana.....	740	188	25.27
Nebraska.....	289	118	40.83
Nevada.....	200	24	12
New Mexico.....	728	117	24.31
New York.....	126	.....	.....
North Carolina.....	141	11	8
North Dakota.....	800	207	25.87
Oklahoma.....	3,089	2,122	69.14
Oregon.....	316	29	9.1
Pennsylvania.....	552	76	13.76
South Dakota.....	2,240	466	20.8
Utah.....	47	19	40
Virginia.....	43	13	40
Washington.....	598	85	14.21
Wisconsin.....	1,296	137	10.57
Wyoming.....	217	131	60.36
Total—133 schools.....	16,470	4,916	29.86

This table is given in detail in accompanying Exhibit B.  
(b) On Indian reservations—adults and children.

State.	Examined.	Cases.	Per cent.
Arizona.....	5,873	1,459	24.9
California.....	1,555	238	15.3
Colorado.....	268	41	15.64
Florida.....	22	.....	.....
Idaho.....	526	84	15.96
Iowa.....	53	17	32.04
Kansas.....	834	48	7.46
Minnesota.....	3,542	533	15.05
Montana.....	2,042	537	26.3
Nebraska.....	322	130	41
Nevada.....	851	229	26.9
New Mexico.....	2,207	494	22.38
New York.....	943	2	2
North Carolina.....	317	23	7
North Dakota.....	3,447	791	22.94
Oklahoma.....	3,252	2,235	68.72
Oregon.....	904	94	10.4
Pennsylvania.....	558	76	13.76
South Dakota.....	6,121	1,059	17.24
Utah.....	182	75	39
Virginia.....	43	13	30.2
Washington.....	1,347	180	13.35
Wisconsin.....	2,999	207	6.9
Wyoming.....	392	199	51
Total.....	39,231	8,940	22.7

This table is given in further detail in accompanying Exhibit A. Using this rate, 22.70 per cent, with a population of 322,765 Indians, it is estimated that there are 71,997 cases of trachoma among the Indians.

2. The number and percentage of Indians afflicted with tuberculosis and the death rate from this disease among Indians on reservations and in schools; also a comparison of the death rate as between the Indians and the whites from tuberculosis in the registration area of the United States.

For the fiscal year ended June 30, 1912, the following information is available regarding tuberculosis:

Of 190,791 Indians reported upon by superintendents, 13.89 per cent, or 26,500, are estimated to have tuberculosis. During that year 1,905 deaths due to tuberculosis were reported from the various agencies.

Thirty-two per cent of the whole number of deaths reported from the various reservations were due to pulmonary tuberculosis, as against 11.2 per cent of deaths due to the same disease occurring in the registration area of the United States. The death rate among Indians is 32.24 per thousand, while the Census Bureau gives 16 per thousand in the above registration area.

3. The number and capacity of each hospital available for Indians. Ending June 30, 1912, there were 53 hospitals and sanatoria in the service, with a capacity of 1,256 patients. Since this report was compiled several others have been constructed and the capacity of others increased. The accompanying table will give the location and capacity of each. It will be noted that they are mostly school hospitals of capacity sufficient only to accommodate sick pupils. (Exhibit C.)

In answer to your question 4, I am quoting the following paragraph from my letter of September 8:

"The solution of the problem of caring for this vast number of cases would be the establishment of tuberculosis camps on the reservations. This has been done in a few instances and will be done on others as funds become available and where local conditions are conducive to their proper maintenance. There are, however, many smaller agencies and isolated bands of Indians where cases are few and where the cost of maintenance of camps or hospitals would be excessive, and there are also hundreds of Indians receiving absolutely no treatment whatever and as many more within reach of physicians who are not equipped to care for them. Again, there are very many incipient cases in whom the disease could be arrested by treatment such as could be offered at the proposed sanatorium. Indigent cases, of which there are many, when neglected become foci, from which the disease spreads. Removal to a sanatorium is the only satisfactory method for caring for such patients."

In addition, I will say that, having approximately 26,500 cases of tuberculosis among Indians, it is with me hardly a question of whether it would be more desirable to have a large hospital on the Mescalero Reservation than smaller ones on the other reservations, but one of providing adequate sanatorium facilities for a large per cent of the vast number of Indians sick with tuberculosis. Mescalero could accommodate at the most only a very small percentage of these. The remainder must be treated on the reservation. Mescalero, however, would care for the indigent sick and many of those who must, for one reason or another, be removed from the reservation for treatment. Even though Mescalero is provided for by Congress, our great problem will still remain—the care of the great number of tuberculous who must remain on the reservations for treatment.

Very truly, yours,

CATO SELLS,  
Commissioner.

HON. JOE T. ROBINSON,  
United States Senate.

EXHIBIT A.

TRACHOMA AMONG ALL INDIANS EXAMINED.

This table, it will be remembered, contains records of all Indians inspected.

TABLE I.—Trachoma among all Indians examined in the United States. ARIZONA (COLLECTED BY FRICKS).

School or reservation.	Tribe.	Number of Indians examined.	Number of cases of trachoma.	Per cent of trachoma.
Camp McDowell.....	Apache.....	110	13	12
Camp Verde.....	do.....	91	34	37
Colorado River.....	Mojaves and Mojave-Apache.....	147	51	35
Fort Mojave.....	Mojaves and Chemehuevi.....	355	38	11
Gila River.....	Pimas and Maricopas.....	943	326	34
Havasupai.....	Havasupai.....	169	5	3
Moqui.....	Hopi.....	1,079	411	38
Navajo.....	Navajos.....	710	213	30
Papago.....	Papagoes.....	500	102	20
Phoenix School.....	Mixed tribes.....	419	59	14
Salt River.....	Pimas and Maricopas.....	112	43	39
San Carlos.....	Apache.....	376	49	13
Walapai.....	Walapais.....	117	32	27
Western Navajo.....	Navajos.....	359	44	12
White River.....	Apache.....	395	39	10
Total for State.....		5,873	1,459	24.9

CALIFORNIA (COLLECTED BY BILLINGS AND HERRING).

School or reservation.	Tribe.	Number of Indians examined.	Number of cases of trachoma.	Per cent of trachoma.
California Missions.....	Many tribes.....	559	32	14
Digger Reservation.....	Digger.....	11	.....	.....
Fort Yuma Reservation.....	Yuma.....	222	51	7
Round Valley Reservation.....	Little Lake, Pomo, Kypome, Yuki, Wallaki, etc.....	180	13	7.22
Sherman Institute.....	Many tribes.....	536	137	25
State penitentiary (Folsom).....	do.....	14	.....	.....
State penitentiary (St. Quentin).....	do.....	14	.....	.....
Ukiah day school.....	Ukiah.....	19	5	20.53
Total for State.....		1,555	238	15.3

TABLE I.—Trachoma among all Indians examined in the United States—Continued.

COLORADO (COLLECTED BY SMITH).				
School or reservation.	Tribe.	Number of Indians examined.	Number of cases of trachoma.	Per cent of trachoma.
Navajo Springs.....	Southern Ute.....	113	12	10.61
Southern Ute.....	do.....	149	29	19.59
Total for State.....		262	41	15.64
FLORIDA (COLLECTED BY RUCKER).				
Miami.....	Seminole.....	22		
IDAHO (COLLECTED BY LLOYD).				
Coeur d'Alene Reservation.....	Coeur d'Alene.....	130	14	10.77
Fort Hall Reservation.....	Shoshone and Bannock.....	250	48	19.2
Fort Lapwai.....	Nez Percé.....	146	22	15.06
Total for State.....		526	84	15.96
IOWA (COLLECTED BY WHITE).				
Sac and Fox.....	Pottawatomie and Sac and Fox.....	53	17	32.04
KANSAS (COLLECTED BY HERRING).				
Haskell Institute.....	Many tribes.....	700	111	15
Kickapoo.....	Iowa, Kickapoo, and Sac and Fox.....	91	44	48.35
Pottawatomie.....	Pottawatomie.....	43	21	51
Total for State.....		834	176	21.1
MICHIGAN (COLLECTED BY CLARK).				
Bay Mills.....	Chippewa.....	141		
Mackinac.....	do.....	204	3	1.47
Mount Pleasant Boarding School.....	Chippewa, Pottawatomie.....	298	45	15.1
Total for State.....		643	48	7.46
MINNESOTA (COLLECTED BY CLARK AND PREBLE).				
Fond du Lac.....	Chippewa.....	182	2	1.09
Grand Portage and Grand Marais.....	do.....	143		
Leech Lake.....	do.....	598	95	15.88
Mille Lac.....	do.....	178	4	2.24
Nett Lake and Pelican Point.....	do.....	171		
Pipestone School.....	do.....	187	42	22.46
Red Lake.....	do.....	640	117	18.28
White Earth.....	do.....	1,323	272	20.56
Vermillion Lake.....	do.....	120	1	.83
Total for State.....		3,542	533	15.06
MONTANA (COLLECTED BY WHITE).				
Blackfeet.....	Piegan.....	435	88	20.23
Crow.....	Crow.....	299	87	29.1
Flathead.....	Flathead.....	290	36	12.4
Fort Belknap.....	Gros Ventres, Assiniboine, Arapaho, Sioux.....	234	57	24.36
Fort Peck.....	Sioux.....	501	158	31.53
Tongue River.....	Northern Cheyenne.....	283	111	39.22
Total for State.....		2,042	537	26.3
NEBRASKA (COLLECTED BY HERRING).				
Genoa School.....		227	98	43
Santee Mission.....	Sioux.....	19	9	47
Winnebago and Omaha.....	Winnebago, Omaha.....	76	23	33
Total for State.....		322	130	41
NEVADA (COLLECTED BY BILLINGS AND HERRING).				
Carson Boarding School.....	Digger, Paiute, Shoshone, Washoe.....	200	24	12
Fallon School.....	Paiute, Shoshone.....	44	17	38.62
Fort McDermitt School.....	Paiute.....	100	47	47
Levelocks School.....	do.....	44	16	36.3
Moapa School.....	do.....	41	17	41
Pyramid Lake Reservation.....	do.....	136	46	33.82
Walker River Reservation.....	do.....	101	23	22.77
Western Shoshone Reservation.....	Paiute, Shoshone.....	185	39	21.08
Total for State.....		851	229	26.9

TABLE I.—Trachoma among all Indians examined in the United States—Continued.

NEW MEXICO (COLLECTED BY SMITH).				
School or reservation.	Tribe.	Number of Indians examined.	Number of cases of trachoma.	Per cent of trachoma.
Albuquerque School.....	Many tribes.....	339	75	22.12
Jicarilla Agency.....	Apache.....	201	17	8.45
Mescalero Agency.....	do.....	190	18	9.5
Navajo Agency.....	Navajo.....	462	139	30
Pueblo Agencies.....	Pueblo.....	845	240	28.4
Zuni Agency.....	Zuni.....	170	10	5.88
Total for State.....		2,207	494	22.38
NEW YORK (COLLECTED BY LEAKE).				
Allegheny.....	Mixed Iroquois.....	188		
Cattaraugus.....	do.....	469	1	0.2
Onandaga.....	do.....	73		
Tonawanda.....	do.....	91		
Tuscarora.....	do.....	122	1	1
Total for State.....		943	2	.2
NORTH CAROLINA (COLLECTED BY FRICKS).				
Cherokee.....	Cherokee and mixed bloods.....	317	23	7
NORTH DAKOTA (COLLECTED BY SCHERESCHEWSKY AND PREBLE).				
Bismarck Indian School.....	Arikaras, Gros Ventres, Mandans, Sioux.....	71	19	26.7
Fort Berthold.....	Arikaras, Gros Ventres, Mandans.....	495	148	30.1
Fort Totten.....	Chippewas, Sioux.....	369	106	28.7
Standing Rock.....	Sioux.....	1,660	405	24.51
Turtle Mountain.....	Chippewa mixed bloods.....	744	95	13.04
Wahpeton Indian School.....	Arikaras, Chippewas, Gros Ventres, Sioux.....	108	18	16.6
Total for State.....		3,447	791	22.94
OKLAHOMA (COLLECTED BY GUTHRIE).				
Five Civilized Tribes.....	Creek.....	367	243	66.21
Do.....	Cherokee.....	87	64	73.56
Do.....	Choctaw.....	509	364	71.31
Do.....	Chickasaw.....	122	90	73.76
Do.....	Seminole.....	92	79	85.86
Kiowa and Comanche.....	Kiowa, Comanche, Wichita, Caddo, Apache.....	454	393	86.73
Cheyenne and Arapaho.....	Cheyenne, Arapaho.....	305	227	74.42
Shawnee.....	Pottawatomie, Shawnee, Kickapoo, etc.....	194	69	35.56
Sac and Fox.....	Sac and Fox.....	73	51	70
Pawnee.....	Pawnee.....	151	103	68.21
Ponca.....	Ponca.....	132	84	63.63
Otoe and Missouri.....	Otoe and Iowa.....	54	39	72.22
Chillico Nonreservation School.....	Chillico.....	509	334	65.61
Osage.....	Osage.....	93	47	50.53
Seneca.....	Wyandotte, Seneca (allied).....	110	48	43.63
Total for State.....		3,252	2,235	68.72
OREGON (COLLECTED BY BILLINGS).				
Klamath Lake Reservation.....	Klamath, Modoc.....	143	13	9.09
Salem School.....	Mixed tribes.....	316	29	9.1
Siletz Reservation.....	do.....	114	19	16.6
Umatilla Reservation.....	Cayuse, Nez Percé, Umatilla, Walla Walla.....	150	13	8.66
Warm Springs Reservation.....	Paiute, Warm Spring, Wasco.....	151	20	11.05
Total for State.....		904	94	10.4
PENNSYLVANIA (COLLECTED BY CLARK).				
Carlisle Indian School.....	Mixed tribes.....	552	76	13.76
SOUTH DAKOTA (COLLECTED BY SCHERESCHEWSKY AND PREBLE).				
Canton Insane Asylum.....	Many.....	54	8	14.81
Cheyenne River Reservation.....	Sioux.....	520	117	22.5
Crow Creek Reservation.....	do.....	510	143	28.04
Flandreau School.....	Mixed.....	350	68	19.43
Lower Brulé Reservation.....	Sioux.....	233	58	24.89
Pierre School.....	Mixed.....	164	57	34.76
Pine Ridge Reservation.....	Sioux.....	2,006	263	13.11
Rapid City School.....	do.....	236	40	17
Rosebud Reservation.....	do.....	1,404	141	10
Sisseton School.....	do.....	177	43	24.29
Springfield School.....	do.....	64	18	28
Yankton Reservation.....	do.....	403	103	25.56
Total for State.....		6,121	1,059	17.24

TABLE I.—Trachoma among all Indians examined in the United States—Continued.

UTAH (COLLECTED BY HERRING).				
School or reservation.	Tribe.	Number of Indians examined.	Number of cases of trachoma.	Per cent of trachoma.
Utah and Ouray School and Reservation.	Ute.....	182	75	39
VIRGINIA (COLLECTED BY CUMMING).				
Hampton Normal Institute...	Many.....	43	13	30.2
WASHINGTON (COLLECTED BY LLOYD).				
Colville and Spokane Reservation.	Spokane.....	351	71	20.22
Cushman Boarding School....	Chehalis, Nisqually, Puyallup, Quinalt, Snohomish, Squaxon.	307	11	3.65
Lummi Reservation.....	Dwamish and Allied Tribes.	92	10	10.16
Suquamish Reservation.....	do.....	74	6	8.1
Swinomish Reservation.....	do.....	49	11	21.28
Tulalip Reservation.....	do.....	168	6	3.57
Yakima Reservation.....	Yakima.....	306	65	21.24
Total for State.....		1,347	180	13.35
WISCONSIN (COLLECTED BY CLARK).				
Lac Courte, Oreille, and Haywood School.	Chippewa.....	470	23	4.89
Lac du Flambeau.....	do.....	249	51	20.48
La Pointe.....	do.....	466	4	.85
Oneida.....	Oneida.....	366	16	4.28
Menominee.....	Menominee.....	730	65	9.02
Red Cliff.....	Chippewa.....	238	1	.42
Stockbridge School.....	Stockbridge.....	120	3	2.50
Tomah School.....	Many.....	237	16	6.74
Wittenberg School.....	do.....	123	28	22.76
Total for State.....		2,999	207	6.86
WYOMING (COLLECTED BY HERRING).				
Shoshone Agency.....	Shoshone and Arapahoe.	392	199	51
Grand total.....		39,231	8,940	22.7

EXHIBIT B.  
TABLE III.—Trachoma in Indian boarding schools.

State.	Boarding school.	Number of pupils examined.	Number of cases of trachoma.	Per cent of trachoma.
Arizona (collected by Fricks).	Chin Lee.....	76	38	50
	Colorado River.....	49	20	41
	Fort Apache.....	200	28	14
	Fort Defiance.....	155	18	12
	Fort Mojave.....	244	69	28
	Kearns Canon.....	100	29	29
	Leupp.....	67	15	24
	Phoenix.....	410	59	14
	Sacaton Mission.....	200	55	27
	San Carlos.....	100	11	11
	St. Johns Mission.....	203	92	45
	St. Michaels Mission.....	121	21	17
	Truxton Canon.....	72	26	36
	Tuba.....	87	9	10
	Tucson.....	140	25	18
	Total for State.....		2,242	515
California (collected by Herring).	Fort Yuma.....	93	17	18
	Sherman Institute.....	536	137	25
	St. Boniface Mission.....	100	24	24
Total for State.....		729	178	24.41
Idaho (collected by Lloyd)...	Fort Hall.....	107	22	20.65
	Fort Hall Mission.....	18	4	22.22
	Fort Lapwai Sanitarium.	65	5	7.69
	Coeur d'Alene Mission.	28	3	10.7
	Total for State.....		218	34
Kansas (collected by Herring)	Haskell Institute.....	700	111	15.7
	Kickapoo.....	66	37	56
Total for State.....		766	148	19.32
Michigan (collected by Clark).	Mount Pleasant.....	298	45	15.10
Total for State.....		298	45	15.10

TABLE III.—Trachoma in Indian boarding schools—Continued.

State.	Boarding school.	Number of pupils examined.	Number of cases of trachoma.	Per cent of trachoma.
Minnesota (collected by Clark and Preble).	Cass Lake.....	47	18	38.29
	Cross Lake.....	46	12	26.08
	Leech Lake.....	64	12	18.75
	Pipe Stone.....	187	42	22.46
	Red Lake.....	63	19	30.15
	St. Benedict's Industrial Mission.	94	12	12.77
	St. Mary's Mission.....	64	20	31.25
	Vermilion Lake.....	84	1	1.19
	White Earth.....	130	42	32.31
	Wild Rice River.....	54	15	27.78
	Total for State.....		833	193
Montana (collected by White)	Busby.....	74	27	36.48
	Crow.....	49	15	28.57
	Cut Bank.....	74	11	14.86
	Harlem.....	20	3	15
	Holy Family Mission	75	17	22.66
	Poplar River.....	94	22	23.4
	St. Ignatius Mission.....	172	17	9.88
	St. Labres Mission.....	22	13	59
	St. Paul Mission.....	74	18	24.32
	St. Xavier Mission.....	38	21	55.26
	Wolf Point.....	48	24	50
Total for State.....		740	188	25.27
Nebraska (collected by Herring).	Genoa.....	227	98	43
	St. Augustine Mission.	43	11	25
	Santee Mission.....	19	9	47
Total for State.....		289	118	40.83
Nevada (collected by Billings)	Carson.....	200	24	12
Total for State.....		200	24	12
New Mexico (collected by Smith).	Albuquerque.....	339	75	22.12
	Presbyterian Mission.	31	26	83.87
	San Juan.....	148	32	21.62
	St. Catherine's Mission.	210	44	20.54
Total for State.....		728	177	24.31
New York (collected by Leake).	Friend's.....	48		
	Thomas.....	78		
Total for State.....		126		
North Carolina (collected by Fricks).	Cherokee.....	141	11	8
	Total for State.....		141	11
North Dakota (collected by Schereschewsky and Preble).	Bismarck.....	71	19	26.7
	Fort Berthold Mis'n.	57	27	47.37
	Fort Totten.....	168	33	19.6
	Fort Totten Mission.	83	26	31.32
	Home Mission.....	12	4	33.3
	Martin Kenel Agricultural.	98	33	33.67
	Standing Rock.....	164	23	14
	St. Elizabeth's Mis'n.	39	24	61.54
	Wahpeton.....	108	18	16.6
	Total for State.....		800	207
Oklahoma (collected by Guthrie).	Anadarko (Mission).	112	97	86.60
	Armstrong Academy	109	86	78.89
	Bloomfield.....	75	57	76
	Cantonment.....	74	64	86.48
	Cheyenne and Arapahoe.	140	98	70
	Collins Institute.....	47	33	70.21
	Chilocco.....	509	334	65.61
	Cherokee Orphanage.	65	51	78.46
	Eufaula.....	122	100	81.96
	Eufaula.....	87	28	32.18
	Fort Sill.....	152	122	80.26
	Jones Academy.....	101	61	60.39
	Mekuskey.....	92	79	85.86
	Nuyaka.....	79	66	83.54
	Old Goodland (Mission).	77	65	84.41
	Osage.....	73	37	50.68
	Otoe and Missouriia..	54	39	72.22
	Pawnee.....	95	72	75.78
	Ponca.....	98	63	64.28
	Rainey Mountain.....	114	105	92.10
	Riverside.....	76	69	90.78
Sac and Fox.....	73	51	70	
Sacred Heart (Mis'n)	36	13	36.11	
Seger.....	68	47	69.11	
Seneca.....	110	48	43.63	
Shawnee.....	84	32	38.09	
St. Mary's (Mission).	73	23	31.50	
Wheelock.....	85	53	62.35	
Tulahassee.....	79	49	62.02	
Tuskahoma.....	110	80	72.72	
Total for State.....		3,069	2,122	69.14

TABLE III.—Trachoma in Indian boarding schools—Continued.

State.	Boarding school.	Number of pupils examined.	Number of cases of trachoma.	Per cent of trachoma.
Oregon (collected by Billings)	Salem.....	316	29	9.1
Total for State.....		316	29	9.1
Pennsylvania (collected by Clark)	Carlisle.....	552	76	13.76
Total for State.....		552	76	13.76
South Dakota (collected by Schereschewsky and Preble)	Cheyenne River.....	156	39	25
	Crow Creek.....	81	25	30.88
	Flandreau.....	350	68	19.43
	Holy Rosary Mission.....	205	37	18
	Immaculate Conception Mission.....	48	28	58.33
	Lower Brulé.....	71	30	42.25
	Pierre.....	163	57	34.97
	Pine Ridge.....	213	20	9.39
	Rapid City.....	236	40	16.9
	Rosebud.....	142	18	12.67
	St. Francis Mission.....	270	21	7.9
	St. Mary's Mission.....	73	12	16.44
	Sisseton.....	160	43	26.87
	Yankton.....	72	28	38.89
Total for State.....		2,240	466	20.8
Utah (collected by Herring)	Uintah and Ouray....	47	19	40
Total for State.....		2,240	466	20.8

TABLE III.—Trachoma in Indian boarding schools—Continued.

State.	Boarding school.	Number of pupils examined.	Number of cases of trachoma.	Per cent of trachoma.
Virginia (collected by Cumming)	Hampton.....	43	13	30.2
Total for State.....		43	13	30.2
Washington (collected by Lloyd)	Colville Mission.....	31	21	67.74
	Cushman.....	307	11	3.55
	Fort Lapwai.....	65	5	7.7
	St. Mary's Mission.....	74	24	32.43
	Yakima.....	121	24	19.83
Total for State.....		598	85	14.21
Wisconsin (collected by Clark)	Hayward.....	175	13	7.47
	Holy Family Mission.....	65	0	0
	Keshena.....	65	18	27.64
	Lac du Flambeau.....	95	35	36.84
	Lutheran Mission.....	45	1	2.22
	Oneida.....	149	10	6.71
	St. Joseph's Industrial.....	148	15	10.13
	St. Mary's Mission.....	194	1	.51
	Tomah.....	237	16	6.78
	Wittenberg.....	123	28	22.76
Total for State.....		1,296	137	10.57
Wyoming (collected by Herring)	Episcopal Mission.....	13	10	76
	Shoshone.....	108	57	53
	St. Stephen's Mission.....	96	64	65
Total for State.....		217	131	60.36
Grand total.....	133 schools.....	16,470	4,916	29.68

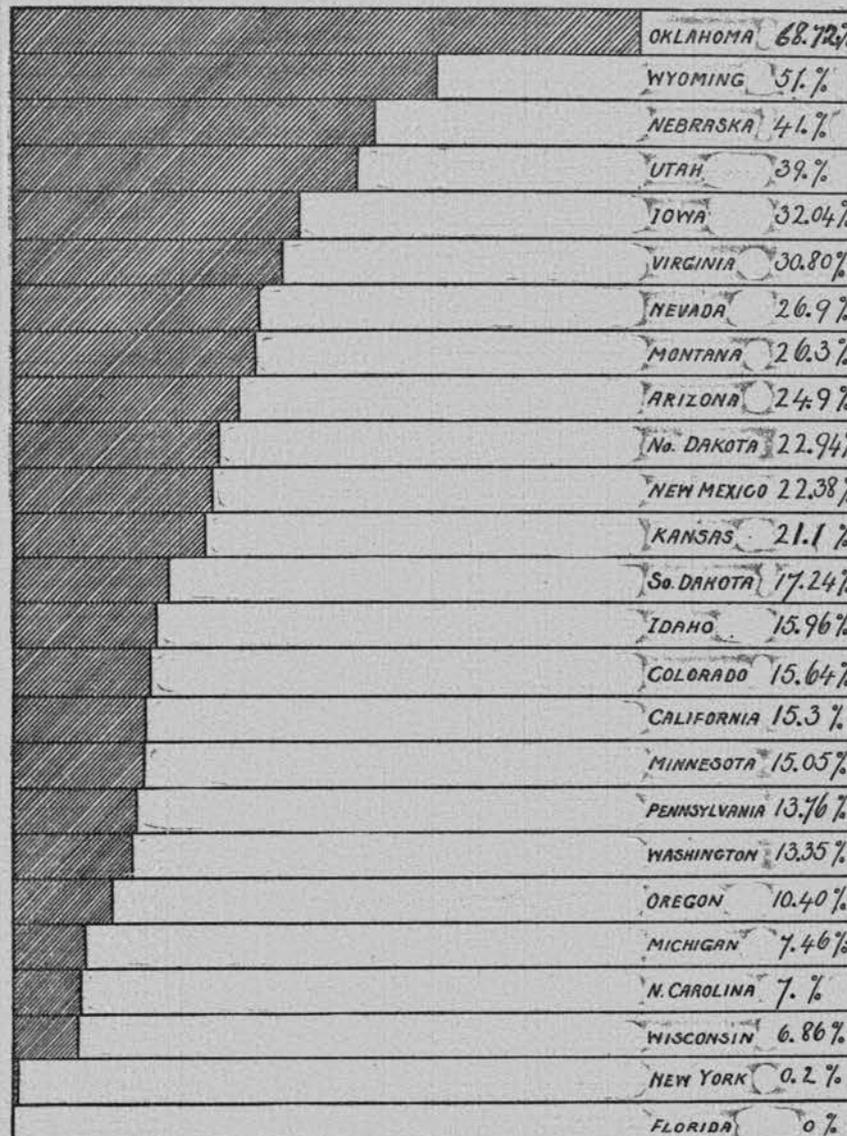


Chart showing the percentage of Indians suffering from trachoma among those examined in the different States.

EXHIBIT C.

TABLE 21.—Hospitals and sanatoria in Indian service, fiscal year ended June 30, 1912.

States and superintendencies.	Agency or school, hospital, or sanatoria.	Number.	Character of construction.	Capacity.	Remaining in hospital June 30, 1911.	During fiscal year 1912.					Remaining in hospital June 30, 1912.
						Admitted.	Total treated.	Discharged.	Died.	Total discharged and died.	
<b>Arizona:</b>											
Fort Apache	Agency	1	Camp	10	10	23	33	22	1	23	10
Do.	School	1	do.	10		13	13		1	1	12
Do.	Sanatoria	1	do.	12	10	13	23	10	1	11	12
Fort Mojave	School	1	Brick	8		280	280	278	2	280	
Leupp	Agency	1	do.	10		125	125	125		125	
Navajo	School	1	Frame	40	3	86	89	77	7	84	5
<b>Phoenix—</b>											
General	do.	1	Brick	50		514	527	515	6	521	6
Eye	do.	1	do.	25	13						
Phoenix	Sanatoria	1	Frame	70	41	47	88	47	2	49	39
Pima	School	1	Adobe	8		139	139	139		139	
Rice Station	do.	1	Stone	15		142	142	142		142	
Truxton Canyon	do.	1	Brick	6							
Western Navajo	do.	1	Stone	8		3	3	3		3	
<b>Total</b>		<b>13</b>		<b>272</b>	<b>77</b>	<b>1,385</b>	<b>1,462</b>	<b>1,358</b>	<b>20</b>	<b>1,378</b>	<b>84</b>
<b>California:</b>											
Fort Bidwell	School	1	Frame	10		35	35	34	1	35	
Greenville	do.	1	do.	12	3	15	18	14	1	15	3
Sherman Institute	do.	1	Brick	100	8	228	236	216	5	221	15
<b>Total</b>		<b>3</b>		<b>122</b>	<b>11</b>	<b>278</b>	<b>289</b>	<b>264</b>	<b>7</b>	<b>271</b>	<b>18</b>
<b>Idaho:</b>											
Fort Hall	Agency	1	Stone	4							
Do.	School	1	do.	8		52	52	49	3	52	
Fort Lapwai	Sanatoria	1	Frame	100	40	94	134	62	2	94	40
<b>Total</b>		<b>3</b>		<b>112</b>	<b>40</b>	<b>146</b>	<b>186</b>	<b>141</b>	<b>5</b>	<b>146</b>	<b>40</b>
<b>Kansas: Haskell Institute.</b>											
Michigan: Mount Pleasant	School	1	Brick	70		663	663	657	2	659	4
	do.	1	do.	24	6	94	100	93	4	97	3
<b>Minnesota:</b>											
Pipestone	do.	1	Stone	12		58	58	56	1	57	1
Vermillion Lake	do.	1	Frame	6	1	16	17	15	1	16	1
White Earth	Agency	1	do.	10	10	219	229	213	2	215	14
<b>Total</b>		<b>3</b>		<b>28</b>	<b>11</b>	<b>293</b>	<b>304</b>	<b>284</b>	<b>4</b>	<b>288</b>	<b>16</b>
<b>Montana:</b>											
Crow	Agency	1	Frame	6	1	110	111	106		106	5
Fort Peck	School	1	do.			44	44	43		43	1
<b>Total</b>		<b>2</b>		<b>6</b>	<b>1</b>	<b>154</b>	<b>155</b>	<b>149</b>		<b>149</b>	<b>6</b>
Nebraska: Genoa	School	1	Frame	20	3	327	330	328	1	329	1
<b>Nevada:</b>											
Carson	do.	1	do.	14	3	410	413	410		410	3
Western Shoshone	do.	1	do.	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )	( <sup>2</sup> )
<b>Total</b>		<b>2</b>		<b>14</b>	<b>3</b>	<b>410</b>	<b>413</b>	<b>410</b>		<b>410</b>	<b>3</b>
<b>New Mexico:</b>											
Albuquerque	School	1	Frame	35		212	212	212		212	
Albuquerque Pueblos	Sanatoria	1	Adobe	25	4	6	10	7	1	8	2
Jicarilla	School	1	Frame	8		33	33	32	1	33	
Santa Fe	do.	1	Brick	40		186	186	186		186	
<b>Total</b>		<b>4</b>		<b>108</b>	<b>4</b>	<b>437</b>	<b>441</b>	<b>437</b>	<b>2</b>	<b>439</b>	<b>2</b>
<b>North Dakota:</b>											
Fort Totten	School	1	Brick	10		222	222	222		222	
Standing Rock	Agency	1	Frame	16		80	80	72	2	74	6
<b>Total</b>		<b>2</b>		<b>26</b>		<b>302</b>	<b>302</b>	<b>294</b>	<b>2</b>	<b>296</b>	<b>6</b>
<b>Oklahoma:</b>											
Cheyenne and Arapaho	School	1	Frame	10		24	24	24		24	
Chillico	do.	1	Stone	30	10	617	627	612		612	15
Osage	do.	1	Frame	8		( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )		( <sup>1</sup> )	
Segar	do.	1	Brick	8		44	44	42	2	44	
<b>Total</b>		<b>4</b>		<b>56</b>	<b>10</b>	<b>685</b>	<b>695</b>	<b>678</b>	<b>2</b>	<b>680</b>	<b>15</b>
Oregon, Salem	School	1	Brick	38	10	128	138	115	1	116	22
Pennsylvania, Carlisle	do.	1	do.	60	14	804	818	802	1	803	15
<b>South Dakota:</b>											
Canton Asylum <sup>5</sup>	Agency	1	do.	48	57	3	60	3	5	8	52
Cheyenne River	do.	1	Frame	16		285	285	284		284	1
Flandreau	School	1	do.	40	1	160	161	159		159	2
Rapid City	do.	1	Brick	12		70	70	70		70	
<b>Total</b>		<b>4</b>		<b>116</b>	<b>58</b>	<b>518</b>	<b>576</b>	<b>516</b>	<b>5</b>	<b>521</b>	<b>55</b>
<b>Washington:</b>											
Cushman	School	1	Frame	35		552	552	551	1	552	
Tulalip	do.	1	do.	12		315	315	313	2	315	
Yakima	do.	1	do.	12	1	102	103	103		103	
<b>Total</b>		<b>3</b>		<b>59</b>	<b>1</b>	<b>969</b>	<b>970</b>	<b>967</b>	<b>3</b>	<b>970</b>	

<sup>1</sup> A large room is used when needed.  
<sup>2</sup> Burned Dec. 17, 1911. Most of records lost; part of another building used remainder of fiscal year.  
<sup>3</sup> Used as employees' quarters.  
<sup>4</sup> Unknown.  
<sup>5</sup> Asylum for insane Indians.

TABLE 21.—Hospitals and sanatoria in Indian service, fiscal year ended June 30, 1912—Continued.

States and superintendencies.	Agency or school, hospital, or sanatoria.	Number.	Character of construction.	Capacity.	Remaining in hospital June 30, 1911.	During fiscal year 1912.					Remaining in hospital June 30, 1912.
						Admitted.	Total treated.	Discharged.	Died.	Total discharged and died.	
Wisconsin:											
Hayward.....	School.....	1	Brick.....	9		1,157	1,157	1,156		1,156	1
Keshena.....	Agency.....	1	Frame.....	24	9	54	63	39	9	48	15
Lac du Flambeau.....	School.....	1	do.....	24		40	40	40		40	
Oneida.....	do.....	1	do.....	8		387	387	387		387	
Total.....		4		65	9	1,638	1,647	1,622	9	1,631	16
Wyoming, Shoshone.....	Agency.....	1	Stone.....	60		26	26	26		26	
Grand total.....		53		1,256	258	9,257	9,515	9,141	63	9,209	305

CAUSES OF TUBERCULOSIS AMONG THE INDIANS.

The astonishing prevalence of tuberculosis among Indians is thought to be occasioned by the habits and manner of living prevailing among them. Formerly the Indians lived in tepees, engaged in outdoor sports, and earned their living by hunting, fishing, and trading. Contact with the white man has worked a radical change in the habits and occupations of the Indians. They have been collected on reservations, their hunting grounds converted into farms and pastures, and every energy exhausted to change a naturally nomadic race into an agricultural people. This transformation has been attended with great difficulties. The substitution of insanitary houses for tepees has resulted in the adoption of habits of living peculiarly conducive to the spread of tuberculosis. In many Indian homes sanitary conditions are frightful. Large families live in single rooms, poorly ventilated, and without the ordinary comforts of life.

The commission respectfully submits the following specific findings and recommendations:

It is not feasible to establish and maintain a central tuberculosis sanitarium in New Mexico for the treatment of Indians generally, for the following reasons:

First. It would be an inefficient and inadequate method of combating the disease. The commission does not regard the establishment of a central tuberculosis hospital at any point as feasible or advisable. In reaching this conclusion we have been governed by the experience and judgment of many representative Indians themselves, and of the officers and employees in the Indian service and health service, who have devoted special attention to the question.

No considerable number of Indians afflicted with tuberculosis would avail themselves willingly of treatment in such a hospital. The Indians almost unanimously regard the establishment of a central hospital as impracticable. It would only be availed of by Indians living on near-by reservations. Indian parents would not consent to the removal of afflicted children for treatment to a hospital so remote that they would be deprived of seeing them in person and administering to their wants. It is certain that in order to accomplish any substantial benefits by a central sanitarium it would be necessary to enact a statute authorizing the forcible removal of patients from their homes to the hospital and their confinement there.

Moreover, such a system could only provide for comparatively few of the total number of Indians who need treatment.

Second. A much more comprehensive remedy can be afforded by the establishment of camp hospitals, in the nature of temporary sanitariums, for the treatment of tuberculous Indians on the reservation reservations where the disease is known to be common. These hospitals should be temporary and inexpensive, provided with necessary apparatus, experienced nurses, and physicians. It will probably not be necessary to provide for the forcible removal of tuberculous Indians to these camp hospitals. Nearly all of the Indians would consent to the removal of their children to such hospitals, where they would be afforded the opportunity of seeing them and assisting in caring for them. This plan would provide treatment for the large number of afflicted, many of whom can be restored to health.

As an illustration, at the sanitarium maintained for pupils at the Phoenix Indian School in Arizona approximately 90 per cent of the patients treated during the past year are reported to have recovered. At this school, however, and in this locality conditions are quite favorable for the treatment of pulmonary tuberculosis. In all probability this high percentage could not be maintained in all hospitals to be established.

Third. While the proposed site in New Mexico is in some respects admirably adapted to the purpose, for the reason already stated we do not believe it advisable to establish and maintain a central sanitarium. If it be thought necessary to provide a hospital for the benefit of the Indians on the Mescalero Reservation and other reservations in New Mexico, we believe the remoteness of the proposed site from any railway station and its inaccessibility to the greater number of the Indians on the Mescalero Reservation render it undesirable as a site for even a camp hospital, which should be located near the agency.

The treatment to be afforded at these camp hospitals should be supplemented by a vigorous campaign throughout the Indian country giving systematic instruction in sanitary habits and methods of living, looking toward the making and enforcement of reasonable sanitary regulations. The details should be worked out and developed by the public service. The importance of the problem calls for vigorous and prompt action.

II.

THE NECESSITY AND FEASIBILITY OF PROCURING IMPOUNDED WATERS FOR THE YAKIMA INDIAN RESERVATION OR THE CONSTRUCTION OF AN IRRIGATION SYSTEM UPON SAID RESERVATION TO IMPOUND THE WATERS OF THE YAKIMA RIVER, WASH., FOR THE BENEFIT OF THE INDIANS OF SAID RESERVATION.

The second part of the task assigned this joint commission of Congress relates to a subject quite distinct and disconnected from any question of health or sanitation. It involves many disputed facts, complicated questions of law, and policies of far-reaching importance.

In addition to investigating the feasibility of a general tuberculosis sanitarium in New Mexico for Indians, the commission is charged with

investigating the necessity of procuring impounded waters from the Yakima River, in the State of Washington, for the use and benefit of the Yakima Indian Reservation.

A brief historical statement of the subject will be of value and importance.

TREATY OF 1855 WITH YAKIMA AND ASSOCIATED INDIAN TRIBES.

In 1855 the United States made a treaty, ratified in 1859, with the Yakima and associated Indian tribes in the State of Washington by the terms whereof said Indians ceded a large area of lands to the United States, reserving to themselves what is known as the Yakima Indian Reservation, the same being definitely described.

Said reservation comprises about 1,092,819 acres, of which approximately 120,000 acres in the basin of the Yakima River are irrigable.

The exclusive right of taking fish in all the streams running through or bordering the reservation was expressly reserved by the treaty to the Indians.

At the time of this treaty irrigation was little known, and it does not appear that the subject of water rights bore any important relation to the treaty. It is certain that the value of water rights was not foreseen either by the Indians or the Government.

The controlling purpose of the treaty, however, was to make possible the permanent settlement of the Yakima Indians and their transformation into an agricultural people.

"The treaty was not a grant of rights to the Indians, but a grant of rights from them—a reservation of rights not granted." (U. S. v. Winans, 198 U. S., 381.)

Only a small area of the lands reserved by the Indians was susceptible of profitable cultivation without irrigation.

In the course of time much of the land on the Yakima Indian Reservation was found to be subject to irrigation. Some of these lands, having been patented, passed into the ownership of white men.

Above the Yakima Indian Reservation, on the Yakima River and the Ahtanum Creek, white men settled and diverted water for irrigation purposes. On the opposite side of the Yakima River from the said reservation is located the Sunnyside Irrigation project, embracing 102,000 acres, irrigated from the Yakima River and now having under cultivation about 75,000 acres. This project began under the auspices of a corporation known as the Washington Irrigation Co., but was taken over by the Reclamation Service about 1906. The Reclamation Service has in contemplation three large units in addition to the Sunnyside, namely, the Kittitas, with an approximate area of 82,000 acres, the Benton, with an area of 90,000 acres, and the Tieton, embracing probably 35,000 acres. The latter project is located on the same side of the Yakima River as the Yakima Indian Reservation, while the Sunnyside, Benton, and Kittitas units are on the opposite side of said river. All of these units are embraced in the so-called Yakima Basin.

It is conceded that the natural flow of the Yakima River and its tributaries is not sufficient, at lower water stages to irrigate all of the irrigable land within said basin. The shortage of water has led to a controversy extending over many years and causing the appointment of this commission, to inquire into the facts and recommend an adjustment of the dispute.

While the history of irrigation on the Yakima Indian Reservation is involved in the obscurity unavoidably incident to the beginning and progress of such affairs, it appears reasonably certain that irrigation by the Indians on the reservation began about 1859. In 1865 approximately 1,200 acres on the reservation were under irrigation. About the time the United States took over the Sunnyside project irrigation work was commenced on the reservation by the Indian Service. This was in May, 1896. It was estimated by William Redman, engineer, in a report June 30, 1897, that by constructing more lateral ditches 50,000 acres could be irrigated from the system then in existence.

In the meantime white settlers on the other side of the Yakima River from the reservation had made appropriation of water from the river under the laws of the State of Washington.

February 19, 1903, the then superintendent of the Yakima Reservation, filed on 1,000 cubic feet per second of water for the use and benefit of said reservation. This was more than the entire low water of the river at a given point in the river adjacent to the reservation. Water users having appropriated almost the entire low water flow of the Yakima River, adversely to the reservation instituted in the State courts injunction suits against the water users on the reservation. While these suits were pending the then Secretary of the Interior, Mr. Hitchcock, undertook to compromise all disputed claims to water rights from the Yakima River. He awarded only 147 second-feet to the reservation and 650 second-feet to the adverse claimants. This allowance of only 147 second-feet was inadequate to meet the actual demands for water on the reservation at the time and totally failed to make provision for future needs. Great dissatisfaction resulted. It is not deemed practical or profitable here to set forth in detail the history of this important controversy. It continued and gathered volume until development was embarrassed throughout the Yakima Basin.

Your commission visited the State of Washington, inspected the several units in the Yakima Basin, and especially the Wapeto and Sunnyside units. Public notice was given that all parties interested in the subject-matter would be heard. Hearings were had at the city of North Yakima and at Toppenish. Many witnesses and attorneys rep-

representing the various interests involved appeared before the commission and submitted their views in detail.

A part of this testimony has already been printed, and the remainder is herewith submitted.

After a careful consideration of the whole subject and the entire record, the following findings of fact and recommendations are submitted for such consideration and action as the Congress may deem necessary and advisable.

1. That the allowance by the former Secretary of the Interior, Mr. Hitchcock, of 147 cubic feet per second of water of the low-water flow of the Yakima River for the use and benefit of the irrigable lands on the Yakima Indian Reservation was when made, and now is, inadequate, inequitable, and unfair to said Indian reservation.

2. From a consideration of the whole subject we believe that vested rights have accrued to water users other than those on said reservation, and that the low-water flow of the Yakima River is insufficient to supply their needs and the requirements of said reservation. We therefore believe that the United States should provide for the use and benefit of the irrigable portion of said reservation, free from storage cost and storage-maintenance cost, sufficient water to equal the amount to which said reservation was equitably entitled when the finding of Secretary Hitchcock was made.

While it is difficult to determine what this amount should be, we are convinced that it should not be less than one-half of the natural flow of the Yakima River and should be sufficient to irrigate one-half of each allotment of irrigable land on said reservation; that this will cost approximately \$500,000, and we recommend that an appropriation of said amount for this purpose be authorized, payable in five annual installments, as the needs of irrigation on said reservation may demand and on estimates to be submitted, said \$500,000 being the amount we believe necessary to purchase such free water, in addition to the amount now available for the irrigable land on said reservation, from the Reclamation Service, as will be required for this purpose.

3. As to the portion of the irrigable allotments in excess of the area to be furnished water free, the allottees may be permitted, but should not be required, to sell the same, or any portion thereof, under such terms and conditions as the Secretary of the Interior may prescribe. The cost of furnishing water for such area not to be furnished water free shall be apportioned equitably according to benefits.

4. As to all allottees on the said Yakima Indian Reservation, the equitable proportionate cost, both as to storage water in addition to such amount as shall be furnished free and as to the cost of maintenance and distribution of all water furnished for said irrigable lands on said reservation, shall be charged to the allottees respectively and payable from their proportionate individual shares of tribal funds when distributed.

5. In the event any allottees shall receive a patent in fee to an allotment of irrigable land before the amount so charged against him has been repaid to the United States, then such amount remaining unpaid shall become a first lien on his allotment, and the fact of such lien and the amount thereof shall be recited on the face of each patent in fee issued.

As to all grantees or allottees to whom patents have been issued, the cost which would be charged against the proportionate individual shares of allottees if the lands were not patented shall be fixed as a lien upon the lands patented.

The repair and extension of the irrigation distribution system for the Yakima Indian Reservation and the maintenance of the same should be under the control of the Indian service.

The expenses incurred by this commission are approximately \$2,500. The exact amount can not at this time be stated, for the reason that a part of the bills for stenographic service have not yet been ascertained and audited.

Respectfully submitted,

Senator JOE T. ROBINSON, of Arkansas (*chairman*),  
 Senator CHAS. E. TOWNSEND, of Michigan,  
 Representative JNO. H. STEPHENS, of Texas,  
 Representative CHAS. H. BURKE, of South Dakota,  
*Joint Commission of Congress.*

Attest:

ROSS WILLIAMS, of Arkansas,  
*Special Clerk and Stenographer for the Commission.*

Mr. SHEPPARD. Mr. President, I ask unanimous consent that the very admirable speech delivered by the Senator from Arkansas [Mr. ROBINSON], in presenting his report on Indian affairs, be made a part of the report and published with it.

Mr. SMOOT. Mr. President, I shall have to object to that request. I do it with some hesitation, I will say to the Senator from Texas, but the Senate and the House have repeatedly gone on record as opposed to printing as a public document any address that may have been delivered in the Senate or the House. It is not proper, Mr. President, and it should not be allowed. It is for that reason that I object.

Mr. SHEPPARD. I regard the speech as a part of the report; really as being a summary of the report.

Mr. SMOOT. Everyone who is interested in this question will know by the report itself that the speech was delivered. The speech is in the RECORD, and anyone who desires can have it sent through the mails just the same as if it were a public document. I hope the Senator from Texas will not press the request further. I will say if he does, I shall have to object.

Mr. SHEPPARD. In view of the statement made by the Senator from Utah, I will withdraw the request.

#### PETITIONS.

Mr. WEEKS presented a petition of sundry citizens of Huntington, Mass., praying for the passage of the so-called anti-polygamy bill, which was referred to the Committee on the Judiciary.

He also presented petitions of the Board of Aldermen of Medford; of the Board of Trade of Stoneham; and of Local Lodge No. 281, Brotherhood of Boiler Makers and Iron Ship Builders of America, of Roslindale, all in the State of Massachusetts, praying for the construction of the proposed supply

ship for the Navy at the Boston Navy Yard, which were referred to the Committee on Naval Affairs.

Mr. BRISTOW presented a petition of Sunflower Court, No. 7, Guardians of Liberty, of Emporia, Kans., praying for the enactment of legislation authorizing a literacy test for immigrants to this country, which was referred to the Committee on Immigration.

He also presented a petition of the Good Roads Club of Wilsey, Kans., praying for the enactment of legislation providing for the construction and maintenance of national highways by the Government, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Haven, Kans., praying for the enactment of legislation to prevent lobbying by religious societies, which was referred to the Committee on the Judiciary.

#### ADDRESS BY ROME G. BROWN (S. DOC. NO. 332).

Mr. FLETCHER. From the Committee on Printing I report favorably on the application of the Senator from Alabama [Mr. BANKHEAD] to print as a Senate document an address delivered by Mr. Rome G. Brown before the National Rivers and Harbors Congress, December 5 last, on the subject of the obstacles to the improvement of navigable rivers. I ask that the report be considered now and the document ordered printed.

The VICE PRESIDENT. Is there objection to printing the address as a document? The Chair hears none, and it is so ordered.

#### TREATIES AND CONVENTIONS.

Mr. FLETCHER. I should like to have unanimous consent to consider and dispose of the concurrent resolution which was reported yesterday from the Committee on Printing as a substitute for Senate resolution 210, in reference to the printing of treaties and conventions, found on page 1187 of the RECORD. It is Senate concurrent resolution No. 11.

There being no objection, the Senate proceeded to consider the concurrent resolution, which was read as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate 1,000 additional copies of Senate Document No. 357, volumes 1 and 2, Sixty-first Congress, and Senate Document No. 1063, Sixty-second Congress, being a compilation of the treaties, conventions, international acts, protocols, and agreements between the United States of America and other powers from 1776 to 1913; and that the superintendent of documents is hereby authorized to order reprinted such copies of the foregoing documents as may be required for sale by his office in accordance with law.*

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

#### INTERNATIONAL MARITIME CONFERENCE.

Mr. MARTIN of Virginia. Mr. President, I report back favorably from the Committee on Appropriations, without amendment, the bill (H. R. 11003) to provide for expenses of representatives of the United States at the International Maritime Conference for Safety of Life at Sea, and I ask unanimous consent for its present consideration.

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

The Secretary read the bill, as follows:

*Be it enacted, etc., That for the expenses of the representatives of the United States at the International Maritime Conference for Safety of Life at Sea, now in session at London, there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in addition to the appropriation of \$10,000 made in the joint resolution approved June 28, 1912, entitled "Joint resolution proposing an international maritime conference."*

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

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

Mr. MARTIN of Virginia. Mr. President, perhaps I ought to explain the bill, which I can do in a very few words. In June last a joint resolution of Congress invited this conference, and authorized the President, in case the Governments of foreign nations agreed to send representatives to it, to appoint representatives for the United States. An appropriation of \$10,000 was made to defray the expenses of the representatives of the United States, to be appointed by the President under the joint resolution.

That conference is now in session in London. Its sessions have been prolonged beyond the time originally contemplated, and the appropriation of \$10,000 has been exhausted. The American representatives will have to withdraw from the conference and return home unless a further appropriation is made, although the conference was held at the initiative of the United States.

Those facts were communicated to the President by the chairman of the American delegation, and the Secretary of State has

made a recommendation that this additional appropriation of \$5,000 shall be made, stating that it is absolutely necessary and immediately urgent.

The communication of the Secretary of State went, as is usual in such matters, to the Secretary of the Treasury, who in turn recommends that the appropriation be made. The Secretary of State in his communication states that he recommends the appropriation with the approval of the President of the United States. So the appropriation is recommended by the Secretary of State and by the Secretary of the Treasury, and in addition to that I have a letter from the Secretary of Commerce also urgently recommending that the appropriation be made.

I will not take the time of the Senate to read these communications, feeling sure that the Senate will concur with the House in the passage of the bill.

Mr. SMOOT. Mr. President, I will state my reason for not objecting to the consideration of the bill. This conference was held upon the invitation of the Government of the United States. If it had not been so held, I would certainly object. I would object to the passage of a measure giving an additional amount to pay the expenses of delegates to any foreign conference that would otherwise be held. But I believe that the United States having issued the invitation it would be very unfortunate, indeed, for our delegates to withdraw from the convention at this time.

Mr. NELSON. Mr. President, I desire to say that I have taken a great deal of interest in this matter. An appropriation was originally made of \$10,000. It became evident at the last session of Congress that an additional appropriation was needed, and it was recommended by the department. I made an effort at that time with the Appropriations Committee, and introduced, I think, an amendment to that effect, to secure just this appropriation, but at that time I was met with no favor. I am glad to see that what ought to have been done then will finally be done on this occasion.

Mr. OLIVER. Mr. President, I happened to meet with the American delegates at this congress when I was in London a few weeks ago. They are doing a very good work there. I think the congress will be productive of great good. At that time our delegates informed me that the appropriation was about exhausted and that they would be compelled to return home before their labors were finished unless an increase was granted.

I am very glad, indeed, that the administration and the committees of Congress have seen proper to recommend this appropriation, and I trust that the bill will pass without any opposition.

Mr. NELSON. Mr. President, I wish to correct a misapprehension. I do not think it was through the fault of the chairman of the Committee on Appropriations of the Senate that we failed to make the appropriation at the last session. The objection came from other sources and other quarters. I do not want the chairman of the committee to understand that I am criticizing him at all with respect to the matter.

Mr. WARREN. Mr. President, I agree in a general way with the remark the Senator from Utah [Mr. SMOOT] made about a second appropriation for such commissions. They ought to keep within the amount that was originally appropriated. I may say, however, that in this case more money was asked for, and the reason why only \$10,000 was embraced in the joint resolution at the last session was because we could not get those on the House side to agree to the amount that those on the Senate side sought to give. As a result, only \$10,000 was appropriated, which was evidently too small an appropriation.

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

#### CONDITIONS IN MEXICO.

Mr. LEWIS. Mr. President, I ask the unanimous consent of the Senate to allow to be printed as a public document the following matter. The Chicago Tribune has had a special representative in Mexico, who has written a series of articles upon the actual conditions in that country, some favorable to the contention which we on this side represent in supporting the President and some unfavorable.

I respectfully ask unanimous consent to have those articles printed as a public document, that they may serve as information to Senators. The articles are illuminating and from an influential paper, eminent in America. They are reports of a date some within the last 30 days.

Mr. SMOOT. Mr. President, I do not know of anyone who is not supporting the President in his Mexican policy. I do not know what is contained in the articles submitted by the Senator. It seems to me that they ought to be referred to the Committee on Printing, and if, in their judgment, after examination, they think they ought to be published as a document, of course

they will report back the matter and ask the Senate to print them.

Mr. LEWIS. I thank the Senator, and—

Mr. BACON. I suggest—

Mr. LEWIS. I yield to the Senator from Georgia.

Mr. BACON. I was going to suggest that it is a matter of considerable delicacy and that it should not only be passed upon by the Committee on Printing, but before going out as matter ordered to be printed by the Senate of the United States, it ought to have examination by the Committee on Foreign Relations.

The VICE PRESIDENT. May the Chair inquire of the Senator from Illinois as to whether the articles come from Mexico?

Mr. LEWIS. I answer yes; by a person traveling in Mexico for the purpose of making observations under directions of a great agency of America—a leading Chicago newspaper—

The VICE PRESIDENT. Then the Chair will be compelled to rule that unless presented to the Senate through the Department of State or the President of the United States they are not before the Senate, because foreign communications come in that way.

Mr. LEWIS. Mr. President, permit me to accept the suggestion of the Senator from Utah and the Senator from Georgia that the articles be referred to the Committee on Printing, that a report may be then made as to whether the contents would entitle them to be printed or whether they are within the ban suggested by the Vice President according to their contents. They do not relate to political features, I might add, but merely to the geographical features and the conditions as they are—mere physical conditions.

The VICE PRESIDENT. The matter will be referred without reading and without introduction into the Record to the Committee on Printing. The Chair desires to call the attention of the Committee on Printing, however, to the rule with reference to communications coming from foreign countries.

Mr. LEWIS. May I correct a false impression I seem to have left? They are communications not from a foreign country, nor touching the country as a country, but the conditions there of farmers and laborers—the general business conditions and the general physical conditions—written by an American citizen who has gone there to make an examination, not touching the political phase nor the martial phase, save as incidentally touched upon in its effect on farms and factories and the general industries of the country. If it can go to the Committee on Printing, I think the committee will solve whatever question there may be.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

Mr. BACON. I hope when the report comes back, before action on it by the Senate, it may have the examination of the Committee on Foreign Relations.

Mr. LEWIS. The suggestion meets my approval, sir. I have no objection whatever.

The VICE PRESIDENT. The Senate has it in its power to do what it pleases with the matter when it comes back.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. OLIVER:

A bill (S. 3797) granting a pension to Charles Rossman (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 3798) granting a pension to James Young (with accompanying papers); and

A bill (S. 3799) granting a pension to Nancy E. Elmore (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3800) making an appropriation for aids to navigation in Alaska; to the Committee on Commerce.

A bill (S. 3801) donating a site upon which to construct a building as a monument to commemorate the women of the Civil War; to the Committee on the Library.

A bill (S. 3802) for the relief of the heirs of Joshua Curtis, deceased; to the Committee on Claims.

A bill (S. 3803) granting a pension to Helen A. Burrill; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 3804) for the relief of Templin Morris Potts, captain on the retired list of the United States Navy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. KENYON:

A bill (S. 3805) for the relief of the successors in interest of homestead entrymen and settlers upon the public domain; to the Committee on Public Lands.

By Mr. NORRIS:

A bill (S. 3806) granting an increase of pension to Robert R. Polk; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3807) granting a pension to Florence M. Craigie; to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 3808) to carry out the findings of the Court of Claims in the case of James Harvey Dennis; to the Committee on Claims.

By Mr. KERN:

A bill (S. 3809) granting an increase of pension to Zach J. Burns (with accompanying papers); and

A bill (S. 3810) granting a pension to Ella Hawkins (with accompanying papers); to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 3811) granting an increase of pension to Susan Thompson (with accompanying papers);

A bill (S. 3812) granting an increase of pension to Frank La Plante (with accompanying papers);

A bill (S. 3813) granting an increase of pension to Amelia Peabody (with accompanying papers);

A bill (S. 3814) granting a pension to Frederick Mertens (with accompanying papers);

A bill (S. 3815) granting an increase of pension to Lou E. Hecox (with accompanying papers); and

A bill (S. 3816) granting an increase of pension to Alexander Ledessimer (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; to the Committee on Public Lands.

By Mr. JOHNSON:

A bill (S. 3818) to correct the naval record of Thomas Taylor; and

A bill (S. 3819) for the relief of Charles P. Ryan; to the Committee on Naval Affairs.

A bill (S. 3820) granting an increase of pension to George N. Townsend;

A bill (S. 3821) granting an increase of pension to Willard R. Merrill;

A bill (S. 3822) granting a pension to Mary O'Neil;

A bill (S. 3823) granting an increase of pension to John W. Nash;

A bill (S. 3824) granting a pension to Ernest H. Robbins;

A bill (S. 3825) granting a pension to Delia D. Watson;

A bill (S. 3826) granting a pension to John H. Rollins;

A bill (S. 3827) granting a pension to Eva M. Roberts;

A bill (S. 3828) granting a pension to Arthur H. King;

A bill (S. 3829) granting an increase of pension to Mary J. White;

A bill (S. 3830) granting an increase of pension to Francis Cyr;

A bill (S. 3831) granting a pension to Susan B. Merrill;

A bill (S. 3832) granting an increase of pension to Frank H. Oliver;

A bill (S. 3833) granting a pension to Eliza F. Withee (with accompanying papers);

A bill (S. 3834) granting an increase of pension to Caleb Emery (with accompanying paper);

A bill (S. 3835) granting an increase of pension to Daniel Libbey;

A bill (S. 3836) granting a pension to Priscilla T. Brewster; and

A bill (S. 3837) granting a pension to Henry M. Libby; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 3838) granting a pension to Addison B. Burroughs; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 3840) granting an increase of pension to Lilla A. Holliday (with accompanying papers);

A bill (S. 3841) granting an increase of pension to Allen H. De Groff; and

A bill (S. 3842) granting an increase of pension to William H. Marsden (with accompanying papers); to the Committee on Pensions.

A bill (S. 3843) for the relief of Belvedere Steele; to the Committee on Claims.

By Mr. MARTIN of Virginia:

A joint resolution (S. J. Res. 92) authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued to the

State by the United States under the provisions of existing laws; to the Committee on Military Affairs.

#### PROHIBITION OF POLYGAMY.

Mr. WEEKS. I introduce a joint resolution, which I ask to have read.

The joint resolution (S. J. Res. 91), proposing an amendment to the Constitution of the United States, was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein).* That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution of the United States, namely:

#### "ARTICLE XVIII.

"SECTION 1. Polygamy shall not exist within the United States or any place subject to its jurisdiction.

"SEC. 2. Congress shall have power to enforce this article by appropriate legislation."

Mr. WEEKS. Mr. President, I wish to say that I introduce the joint resolution at the request of many citizens of Massachusetts, who think there is reason that it be given consideration. I have not made sufficient investigation myself to justify me in indorsing it otherwise than to desire that those citizens shall have an opportunity to be heard. Therefore I ask that the joint resolution be referred to the Committee on the Judiciary.

The VICE PRESIDENT. It will be so referred.

#### BILL TO REPEAL HETCH HETCHY GRANT.

Mr. WORKS. I introduce a bill and I ask that it may be read. After it is read I wish to make a brief statement as to its object and the reason for its introduction.

The bill (S. 3839) to repeal an act entitled "An act granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes," approved December 19, 1913, and to revoke the grant made thereby, was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.,* That an act entitled "An act granting to the city and county of San Francisco certain rights of way in, over, and through certain public lands, the Yosemite National Park, and Stanislaus National Forest, and certain lands in the Yosemite National Park, the Stanislaus National Forest, and the public lands in the State of California, and for other purposes," approved December 19, 1913, be, and the same is hereby, repealed, and the grant thereby made to the city and county of San Francisco for the benefit of said city and county and other cities be, and the same is hereby, revoked and declared of no effect.

Mr. WORKS. Mr. President, the introduction of this bill at so early a day to revoke the grant made by Congress to San Francisco needs some explanation. It is done for the following reasons, besides others that might be mentioned:

1. The bill granting the right of way was passed without any adequate investigation and under a complete misunderstanding and misapprehension of the facts.

2. The claims made, and which undoubtedly influenced Members of Congress in both Houses to support the bill, that San Francisco was immediately in need of more water and that she could not obtain an adequate supply of water from any other source than Hetch Hetchy, were not supported by any evidence, were untrue, and clearly disproved by the evidence of every engineer who investigated these questions on both sides of the controversy.

3. The claims made that the bill made ample provision for the landowners and that there was sufficient water in the Tuolumne River to supply both San Francisco and the San Joaquin Valley lands were equally unfounded.

4. That the exercise of the privileges of the grant by San Francisco will leave at least 200,000 acres of land wonderfully fertile with irrigation barren and practically worthless.

5. The passage of the bill making this important grant was procured by questionable means that should of themselves induce Congress to revoke the grant:

(a) It was supported by one of the most powerful and insidious lobbies ever assembled in support of any bill in Congress.

(b) That lobby deceived and misled Members of Congress by misrepresentations and false statements, upon which they relied and without which the bill never could have passed.

(c) The San Francisco Examiner, out of selfish and interested motives, was filled with misstatements of facts and misleading matter. A special edition of the paper printed in Washington on the eve of the passage of the bill, for the purpose of influencing the votes of Senators, contained signed statements of three members of the Cabinet and the Vice President, under glaring headlines and accompanied by their pictures, favoring the pas-

sage of the bill, thus making it appear that the bill was an administration measure. How these signed statements, intended to influence the action of Members of this body on a bill of grave importance, were obtained, or by whom; why they were put out in this form, or how much the signers of them knew about the facts or the merits of the bill, have not been disclosed, but I take it for granted that their use in that way was unauthorized by the signers of them. The owner and publisher of this same newspaper brought his attorneys and emissaries here from New York and Chicago, and perhaps other places, to labor with Senators over whom they were supposed to have influence to secure their support of the bill.

6. Ex-Federal officers were supporting the bill, not on its merits but because its passage would be a precedent for Federal encroachment on the rights of the States in the matter of controlling the distribution, sale, and use of water and electric power. This purpose was openly avowed. These men were willing to sacrifice the rights of the people of my State and destroy their property and homes to establish a pernicious precedent that might lead to further violations of the rights of the States.

7. On the other hand, Members of this body who had theretofore stood for the rights of the States in this respect and who had in other instances voted and spoken against bills of the kind, but not so obnoxious in that particular as this one, both spoke and voted for this bill, containing the very same objectionable provisions that they had so vehemently combated on previous occasions.

8. The conditions demand a full and unbiased investigation of the needs of both San Francisco and the landowners of the San Joaquin Valley, that justice may be done.

9. The National Government holds the Yosemite National Park, of which Hetch Hetchy is a part, in trust for the use of the whole people as a public park and can not in right or justice commit it or any part of it to other uses, and particularly to commercial purposes. Much less can the Government justly or reasonably make its control of this or any other park the means of making money by selling rights in it to impound water or generate power.

10. The grant was made to 26 cities, none of which except San Francisco have any rights in the waters of the stream and none of which are willing to accept or share in the benefits of the grant.

11. The grant is for privileges that will enable San Francisco to store ten times as much water as she needs or will need for a hundred years, and to generate many times the amount of electric power she will need for use within that time.

12. The fact having been clearly shown and not disputed by anyone having knowledge of the facts that San Francisco could secure all the water she needed or would need for a century from other sources at reasonable cost, as compared with Hetch Hetchy, it was a palpable and unjustifiable breach of trust for the National Government to permit Yosemite Park to be used for a reservoir site.

13. The bill was reported out of the Committee on Public Lands in the absence of a number of its members known to be opposed to it and without any adequate hearing, and was made a special order by unanimous consent when but a few Senators were present, thus shutting off all further hearing or investigations that were being demanded by people deeply and vitally interested in the subject.

14. The impounding of the water as provided for in the act will exclude all people from the Hetch Hetchy Valley and watershed.

Mr. President, knowing, as I do, that this act was passed under a total misapprehension of the facts and that its passage was procured under false pretenses, knowing that San Francisco does not need the use of the water of the Tuolumne River and that to allow her to take it will mean an unnecessary and perpetual loss of millions of dollars every year to the farmers of California and to the farm products of the country, and firmly believing that to allow San Francisco to store the water that she does not need in the Hetch Hetchy Valley will permanently destroy one of the most magnificent and entrancing natural beauties of this country and of the world in violation of the trust of the National Government to preserve it, my sense of duty to my State and to the country impels me to make one more effort to prevent the final consummation of this great wrong.

This question has not yet been fully or fairly investigated. No such hearing by any committee of Congress as would disclose the truth respecting this important matter has been had. I shall feel it my duty to insist upon a full, fair, and impartial investigation, so that every Member of Congress may be informed and vote intelligently on a question so vital to the best interests of my State.

Mr. President, I ask that the bill may be appropriately referred.

Mr. WILLIAMS. Mr. President, if we have arrived at that stage—I do not know whether we have or not—that we have reached the calendar—

The VICE PRESIDENT. The Chair is merely considering to what committee to refer the bill introduced by the Senator from California [Mr. Works] in view of the statement which he has just made.

Mr. PERKINS. I suggest that the bill be referred to the Committee on Public Lands.

Mr. BACON. Mr. President, if morning business has closed, I wish to submit a motion.

The VICE PRESIDENT. The morning business is not yet closed. The bill introduced by the Senator from California [Mr. Works] will be referred to the Committee on Public Lands.

Mr. NELSON. I wish the Senator from Mississippi would withhold his motion for a moment. I have a little local bill which I should like to have considered.

Mr. WILLIAMS. For what purpose does the Senator from Minnesota desire me to yield?

Mr. NELSON. I desire to ask unanimous consent for the consideration of a local bill relating to Minnesota.

Mr. WILLIAMS. I rose for a similar purpose. If the Senator from Minnesota will wait a minute, I will try to get my bill through.

#### OMNIBUS CLAIMS BILL.

Mr. PAGE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

#### THE MILITARY ACADEMY.

Mr. CHAMBERLAIN submitted the following resolution (S. Res. 236), which was referred to the Committee on Military Affairs:

Whereas it has been stated that a condition very detrimental to the discipline and welfare of the United States Military Academy exists: Therefore be it

*Resolved by the Senate of the United States, That the Committee on Military Affairs be, and the same is hereby, authorized and directed to investigate the conditions now existing at the United States Military Academy at West Point, N. Y., both as to discipline of cadets and the conduct of the officers and professors of said academy in their relations to the cadets and to the affairs of the academy generally.*

Said Committee on Military Affairs, or any subcommittee thereof, is hereby empowered to sit and act during the session of Congress or of either House thereof at such time and place as it may deem necessary; to require by subpoena or otherwise the attendance of witnesses and the production of papers, books, and documents; to employ stenographers at a cost not exceeding \$1 per printed page; to take and make a record of all evidence taken and received by the committee and keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed; and to employ such other clerical assistance as may be necessary. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpoenas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who having been summoned as a witness by authority of said committee or any subcommittee thereof willfully makes default or who having appeared refuses to answer any questions pertinent to the investigation herein authorized shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expenses thereof shall be paid from the contingent fund of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

JOHN S. MCKINNEY.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of the bill (S. 3192) waiving the age limit for appointment as cadet engineer in the Revenue-Cutter Service of the United States in the case of John S. McKinney. The bill has been unanimously reported favorably from the Committee on Commerce.

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

Mr. SMOOT. Let the bill be read. I did not hear what the request was.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (S. 3192) waiving the age limit for appointment as cadet engineer in the Revenue-Cutter Service of the United States in the case of John S. McKinney, as follows:

*Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to waive the age limit for the appointment of cadet engineers in the Revenue-Cutter Service, as required by the act of June 23, 1906, in the case of John S. McKinney, and that the Secretary of the Treasury is authorized to permit the said John S. McKinney to participate in the next competitive examination to be held for the position of cadet engineer in the Revenue-Cutter Service.*

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

Mr. SMOOT. I desire to ask the Senator from Mississippi what are the reasons why the age limits should be waived in this case?

Mr. WILLIAMS. I will briefly state them. Mr. McKinney took the examination on May 5, 1912, with only 10 days' notice after a sea service of five months. His mark was below the passing point. Then, under the impression that the age limit was 27 years, he came back and took the examination again and passed. Then he found that he was disqualified because he was over 26, which is the real age limit. He was at that time a little less than a year over the age.

This man has served in the Naval Militia, engineering division, three years; has been apprentice machinist in the Washington Navy Yard two years and five months; apprentice draftsman, Washington Navy Yard, a year and a month; third-class copyist draftsman, Washington Navy Yard, a year and two months; second-class copyist draftsman, Bureau of Steam Engineering, seven months; third-class assistant draftsman there a year and three months; and is assistant draftsman there at present. In addition to that, he has served upon 3 battleships—the *Arkansas*, the *Wyoming*, and the *Texas*—upon 12 destroyers and 5 colliers. So he has had abundant training in the service.

In addition to that, I will state to the Senator that there is a letter here from Capt. W. Strother Smith, of the United States Navy, telling what good service Mr. McKinney has rendered, and recommending him in case he passed the examination as peculiarly fitted for the position which he seeks. There are also letters from Mr. Woodward, of the George Washington University, where Mr. McKinney studied, and from Lieut. Commander U. T. Holmes, United States Navy, telling of his peculiar qualifications as a draftsman. The other naval officer told about his service aboard the battleships.

Mr. SMOOT. Does the Senator know whether the question of his age was considered at the time he took the second examination?

Mr. WILLIAMS. He was rejected on that account.

Mr. SMOOT. But he did pass a successful examination?

Mr. WILLIAMS. That is my understanding. After the first examination he returned from five months' sea service and took the examination at once. He failed by 13 points on that first examination. From that time until May 19 his time was spent in preparation for the last examination, which was held on June 23. It was his impression that he was eligible for appointment until his twenty-seventh birthday, but he was notified that he could not be appointed because after June 7, 1913, he would be 26 years of age and thus ineligible. He did not pass the second examination, having been forbidden to stand it because he had passed the age limit. He wants now merely the permission granted by the bill to take the examination. That is all that he desires—merely to waive the ineligibility on account of age.

Mr. SMOOT. I will not object, Mr. President.

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

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

Mr. WILLIAMS. I ask that the report of the committee be printed in the RECORD.

There being no objection, the report submitted by Mr. CHAMBERLAIN on October 30, 1913, was ordered to be printed in the RECORD, as follows:

Report to accompany S. 3192.

The Committee on Commerce, to whom was referred the bill (S. 3192) waiving the age limit for appointment as cadet engineer in the Revenue-Cutter Service of the United States in the case of John S. McKinney, having considered the same, report thereon with a recommendation that it pass without amendment.

#### RESTORATION TO PUBLIC DOMAIN OF LANDS IN MINNESOTA.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The Secretary read the bill, as follows:

*Be it enacted, etc.,* That there is hereby restored to the public domain, subject to the easement provided for in section 2 hereof, any and all lands hitherto reserved by Executive order in connection with the construction, maintenance, and operation of reservoirs at the headwaters of the Mississippi River and its tributaries the restoration of which the Secretary of War has recommended or may hereafter recommend to the Secretary of the Interior.

SEC. 2. That the lands hereby restored shall forever be and remain subject to the right of the United States to overflow the same or any part thereof by such reservoirs as now exist or may hereafter be constructed upon the headwaters of the Mississippi River, and all patents issued for the lands hereby restored shall expressly reserve to the United States such right of overflow.

SEC. 3. That the time when such restoration shall take effect as to any of such lands shall be prescribed by the Secretary of the Interior; and in all cases where actual settlement has been made on any of said

lands prior to January 1, 1912, and improvements made the said settlers shall have a preferred and prior right to enter and file on said lands under the homestead law for the period of 90 days following the time fixed hereunder for the restoration of the lands.

SEC. 4. That no rights of any kind, except as specified in the foregoing section, shall attach by reason of settlement or squatting upon any of the lands hereby restored to entry before the hour on which such lands shall be subject to homestead entry at the several land offices, and until said lands are opened for settlement no person shall enter upon and occupy the same except in the cases mentioned in the foregoing section, and any person violating this provision shall never be permitted to enter any of said lands or acquire any title thereto.

The VICE PRESIDENT. 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.

Mr. KENYON. Mr. President, I will ask the Senator to explain the bill.

Mr. NELSON. The explanation is simple. Some 20 or more years ago provision was made by the Government for building five or six reservoirs at the headwaters of the Mississippi River. For the purpose of these reservoirs a large quantity of public land was withdrawn. The reservoirs have been long since built, and the lands the Government needs for those purposes have been used, leaving a lot of surplus lands. It is the purpose to restore the surplus lands that are not needed to homestead entry under the public-land laws of the United States. In order that the Government may be amply protected in case it should need them in the future, the lands are restored subject to the condition that if at any time the United States needs more of these lands to flood them for reservoir purposes it shall have the right to do so.

Mr. GALLINGER. The proposed legislation, I assume, does not at all interfere with the existing reservoirs?

Mr. NELSON. Not at all. It is recommended both by the War Department and by the Interior Department.

Mr. KENYON. The right of overflow is reserved to the Government?

Mr. NELSON. Yes; the Government retains the right of overflow.

The VICE PRESIDENT. If there be no amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. WALSH. Mr. President, I observe from the statement of the Senator from Minnesota that it is his view that the lands are made subject only to homestead entry. I observe, however, that they are unrestrictedly restored to the public domain, making them subject to entry of any character.

Mr. NELSON. They are the kind of lands which under our public-land laws can not well be entered under any other law. The preemption law has been repealed; the cash-entry law does not apply; and they will not come under the stone-and-timber act. I can not conceive of any law under which the lands could be entered except the homestead law.

Mr. WALSH. Could they not be entered under the soldiers' additional homestead law?

Mr. NELSON. I think not; not these lands.

Mr. WALSH. Why does not the Senator think so?

Mr. NELSON. I do not think the soldiers' additional homestead law would apply to those lands. They have been in a state of reservation, and by this bill they are restored. There are a number of settlers who have lived on the lands for many years; they have been in a state of reservation, and the object is to open the lands to those homestead settlers. They are given a preferential right in the bill, and whoever takes the lands takes them subject to the Government's right to overflow them at any time.

Mr. WALSH. Let me inquire further of the Senator whether they would not be subject to any ordinary scrip entry.

Mr. NELSON. I hardly think so. I do not think so.

Mr. WALSH. I am quite sure that was not the intention of the Senator.

Mr. NELSON. The only thing to which they might be subject would be, possibly, new selections in reference to the grant of the Northern Pacific Railroad. I can not think of anything else, because the lands, or a part of them, are within the limits of the indemnity grant of the Northern Pacific Railroad.

Mr. WALSH. They would be open, would they not, to selection under whatever rights still remain to select under the forest-reserve act?

Mr. NELSON. I think not. They are mainly lands, I may say, of a swampy and marshy character. Part of them are covered with tamarack. They are what we call tamarack and cedar swamps.

Mr. WALSH. It simply occurred to me that it might be advisable on general grounds, at least, to restrict entries to those under the homestead law. I prefer, however, to defer

to the judgment of the Senator from Minnesota with respect to that matter.

Mr. NELSON. This bill was prepared by the department, and it has their recommendation. It has the recommendation of the War Department and also of the Interior Department. I do not think there is any likelihood of anybody entering that kind of land with scrip.

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

#### REGULATION OF OPIUM TRAFFIC.

Mr. SIMMONS. I ask unanimous consent for the present consideration of House bill 1966 and House bill 1967. First, I will ask the Senate to consider the bill (H. R. 1966) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved February 9, 1909.

Mr. JONES. Mr. President, I have no objection to the passage of these bills, but I suggest that we conclude the morning business and then let them be taken up.

Mr. SIMMONS. I supposed we had concluded morning business. We have passed two or three local bills here by unanimous consent. These are bills that will lead to no debate.

Mr. JONES. I am not going to object.

Mr. SIMMONS. They are very short bills. They are unanimously reported by the committee, and the department is very anxious that they shall be passed.

Mr. JONES. I am not going to object; but I have some matters to present during the transaction of morning business, and I thought I might not be able to wait here until the whole matter was finished.

Mr. SIMMONS. I should not have asked for the consideration of the bills at this time but for the fact that I discovered we were passing some other bills by unanimous consent, and I supposed morning business had been concluded.

Mr. JONES. I thought that was the general understanding, and I wanted to call attention to the fact that it has not been concluded.

Mr. SIMMONS. I hope the Senaor will permit me to have these two bills passed. If they lead to any debate, I will not press them.

Mr. SMOOT. I am not going to object to the consideration of this bill, but I shall object to a unanimous-consent agreement for the consideration of any other bills during this morning hour.

Mr. THOMAS. I hope the Senator will except the next bill, because the two are companions.

Mr. SIMMONS. They are two bills which are allied to each other.

Mr. SMOOT. I am fully aware of the nature of the bills, and I am heartily in favor of the passage of both of them. I did not know the Senator had requested the consideration of both.

Mr. SIMMONS. I have.

Mr. SMOOT. Then I shall not object to their consideration.

Mr. SIMMONS. I have taken up House bill 1966, and now I am going to ask the Senate to take up House bill 1967. They are allied, and they ought to go together. One is to prohibit the manufacture of smoking opium, and the other is to prohibit the importation and exportation of it.

The VICE PRESIDENT. Is there any objection?

The Senate, by unanimous consent, proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

Mr. BURTON. Mr. President, as I understand, the proposed statute pertains exclusively to the exportation and importation of opium, and is brought here in pursuance of a convention into which the United States has entered with other powers. There is also another bill pending here providing an internal-revenue tax.

Mr. SIMMONS. The last bill to which the Senator refers has not yet been reported out of the committee.

Mr. BURTON. Complaint has been made to me that there was a regulation in one of these bills to the effect that no opium should be used in any drug or other substance unless on the prescription of a physician. I am not sure but that the regulation was more severe—

Mr. SIMMONS. That bill has not been reported out of the committee.

Mr. BURTON. It is not here?

Mr. SIMMONS. No.

Mr. BURTON. I am entirely unfamiliar with the merits of the question; but a constituent of mine said that that requirement was unduly severe and would prevent the use of certain preparations which are useful rather than hurtful. That bill has not yet been reported?

Mr. SIMMONS. No. I will say to the Senator that hearings have been requested upon the bill, and it is still in committee. The two bills that have been reported are the one just read and another with reference to the manufacture of opium in this country.

The VICE PRESIDENT. The amendments of the Committee on Finance will be stated.

The SECRETARY. On page 4, line 21, before the word "regulations," it is proposed to insert the word "such"; after the word "regulations," to strike out "to be" and insert "as are"; and in lines 22 and 23, to strike out the words "the Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce," and insert "such country for the importation thereof into such country, such regulations to be promulgated from time to time by the Secretary of State of the United States," so as to make the proviso read:

*Provided*, That opium or cocaine, and salts, derivatives, or preparations thereof, except smoking opium or opium prepared for smoking, the exportation of which is hereby absolutely prohibited, may be exported to countries regulating their entry under such regulations as are prescribed by such country for the importation thereof into such country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

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.

Mr. SIMMONS. I now ask unanimous consent for the present consideration of House bill 1967, regulating the manufacture of smoking opium within the United States, and for other purposes.

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 Finance with an amendment, in section 1, page 1, line 8, to insert the words "Every person who prepares opium suitable for smoking purposes from crude gum opium, or from any preparation thereof, or from the residue of smoked or partially smoked opium, commonly known as yen shee, or from any mixture of the above, or any of them, shall be regarded as a manufacturer of smoking opium within the meaning of this act," so as to make the section read:

That an internal-revenue tax of \$200 per pound shall be levied and collected upon all opium manufactured in the United States for smoking purposes; and no person shall engage in such manufacture who is not a citizen of the United States and who has not given the bond required by the Commissioner of Internal Revenue. Every person who prepares opium suitable for smoking purposes from crude gum opium, or from any preparation thereof, or from the residue of smoked or partially smoked opium, commonly known as yen shee, or from any mixture of the above, or any of them, shall be regarded as a manufacturer of smoking opium within the meaning of this act.

The amendment was agreed to.

Mr. SMOOT. I desire to offer an amendment, in section 1, page 1, line 3, to strike out "\$200" and insert "\$300."

Mr. SIMMONS. On behalf of the committee I will accept that amendment.

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.

#### PROSECUTIONS UNDER WHITE-SLAVE ACT.

Mr. JONES. Mr. President, a few days ago I introduced a resolution (S. Res. 235) calling upon the Department of Justice for certain information with reference to the enforcement of the "white-slave" act. At the suggestion of some of the Senators that resolution was withdrawn.

I think in justice to the Senate, and also to the department, I ought to state that after conferring with the department I am convinced that there was no real foundation for the suggestions that have been made to me, although they came from most reliable sources. I am assured by the department in the most positive way that no instructions have been given that will result in relaxing the efforts to enforce this law.

In the statement that was submitted by the Senator from Indiana the other day the first clause in the first sentence reads as follows:

No order to stop white-slave prosecutions in cases not involving commercialism has been issued.

I think that is subject to the construction that lawyers understand to be implied in a negative pregnant, in that it might be construed as meaning that instructions had been issued in cases involving commercialism; but the department assure

me that no such instructions have been issued. I am satisfied that the Department of Justice have not issued any instructions with reference to cases involving commercialism or with reference to cases not involving commercialism that will result in a lax enforcement of that law.

Statements were also made in the newspapers, not only of Seattle but of San Francisco, that the United States attorney for the western district of Washington had stated in an interview that he had received instructions not to prosecute cases except those of an international character. As I say, the department inform me that no such instructions have been sent. They sent a telegram to the United States attorney, and I think it is but fair that that telegram and the answer should be presented to the Senate. I have a letter from the department setting out the telegram to Attorney Allen and his answer, so far as the department and myself deem proper. I had intended to ask that this letter be read to the Senate; but I know the Senator from Oklahoma has a bill that he wants to pass before the morning hour closes, so I shall ask that it be inserted in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., December 18, 1913.

Hon. WESLEY L. JONES,  
United States Senate.

MY DEAR SENATOR: Referring again to the matter of the enforcement of the Mann White-Slave Act and the agitation in Seattle:

On the 16th instant I wired District Attorney Clay Allen as follows: "Congressional inquiry arose because Seattle and San Francisco papers last week quoted you as expressing opinion that there would be no further prosecutions under Mann White-Slave Act save of international cases. Please wire me statement covering."

In response to which on the same date he submitted the following by wire:

"The interview referred to was false and was known to be false by the local men who inspired it. The story was published here by the Post-Intelligencer and was indignantly denied by both Commissioner White and myself on the following day. The afternoon papers, Sun and Star, on day following both carry interview denying the Post-Intelligencer article, and while Commissioner White was present in my office I called Editor Bone, of Post-Intelligencer, and protested for both White and myself because of this infamous story. The only change ever made in this office with reference to charges of this kind from that pursued by my predecessor was in reference to the amount of bond to be required. There was an unwritten rule established, as I am informed, at the request of local representative of Immigration Department, requiring bond in all cases offenders of this class \$5,000. I suggested that an arbitrary rule of this kind was unwarrantable, that the size of bond should be determined by the fact of each case. This, however, was never a matter of comment beyond the office."

And on the 17th he supplemented above with the following: "Referring my telegram yesterday regarding congressional inquiry through stenographic error the following was omitted: 'Am to-day presenting to grand jury sitting in Tacoma three white-slave cases, two of which are interstate.'"

Examination of the files here discloses that there was no correspondence about the bond matter referred to by Mr. Allen, it being handled entirely within his office.

Respectfully (for the Attorney General),

W. M. WALLACE, Jr.,  
Assistant Attorney General.

#### BANKING AND CURRENCY.

Mr. OWEN. Mr. President, I send to the desk a concurrent resolution providing for the printing of the same number of copies of the banking and currency bill as was ordered in the case of the tariff act.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 12) was read and considered, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Congress 80,000 copies of the Federal reserve act in pamphlet form, to be apportioned as follows: Thirty five thousand copies for the use of the House of Representatives, 20,000 copies for the use of the Senate, 5,000 copies for the use of the Committee on Banking and Currency of the Senate, 5,000 copies for the use of the Committee on Banking and Currency of the House, 5,000 copies for the use of the document room of the Senate, and 10,000 copies for the use of the document room of the House.*

Mr. SMOOT. This is a concurrent resolution?

Mr. OWEN. It is a concurrent resolution. The language and the number are identical with the resolution providing for extra copies of the tariff act. The Public Printer estimates that 80,000 copies will cost \$677.

Mr. GALLINGER. I will ask the Senator from Oklahoma if he has given attention to the question as to how large a proportion of the copies of the tariff act have actually been distributed? I know that we are loading down the document room and the folding room with publications of all kinds that are never called for, and they have been trying to unload recently.

This is a trifling matter, as far as the expense is concerned; yet I have no doubt that a very much less number of copies would answer the purpose. Of course, I will not object if the Senator has looked into it.

Mr. OWEN. There are 25,000 banks, every one of which, of course, will want at least one copy, and probably several copies. I think there will be an actual demand for the number proposed.

Mr. WARREN. May I ask a question of the Senator?

Mr. OWEN. Certainly.

Mr. WARREN. As I heard the concurrent resolution read, it did not provide any copies for the Treasury Department. Is it the Senator's expectation that the department will reprint copies for their own use?

Mr. OWEN. They have the right to do so, I suppose, if they find any extra demand.

Mr. WARREN. With as many as it is proposed we shall print, I think we might well furnish the department with copies, because, naturally, they will have a demand for them.

Mr. OWEN. We might cover that by providing 5,000 copies additional for the Treasury Department.

Mr. SMOOT. I would have to object to that. If the department want copies, they can print them out of their own appropriation.

Mr. WARREN. That is true; but if the printing of this number is expected to cover all the calls upon Members of Congress, and then the department is left with none, they would have to print some additional copies, unless some are to be placed at their disposal under this resolution. If that is not to be done, may we not cut down the number somewhat—say, to 60,000 or 65,000 copies?

Mr. OWEN. I think nearly every Senator and Member will want to furnish the bankers in his own State with copies, because every one of them will be actively interested in the document and ought to have it.

Mr. WARREN. There is no doubt of that.

The VICE PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

#### RAILROADS IN ALASKA.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the special order, which is Senate bill 48. It will be stated.

The SECRETARY. A bill (S. 48) to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Mr. CHAMBERLAIN. Mr. President, in reference to this measure, I do not think there is very much disposition upon the part of the Senate generally to take it up for discussion until after the holiday recess, an adjournment for which I assume will shortly follow. To the end that the bill may be taken up after the holidays, I should probably propose a unanimous-consent agreement for that purpose. Before doing so, however, I desire to state that if the Senate refuses to give its unanimous consent to the consideration of the bill after the holidays, we can attain the same end in only one other way, and that is to take up the bill for discussion now and have the adjournment take place while the discussion is in progress.

Mr. GALLINGER. I notice that on the calendar the bill is set down as a special order. My recollection of the rule is that a special order continues but one day.

Mr. CHAMBERLAIN. The rule provides further that if the consideration of a special order is not completed at the time of adjournment on that day, then it becomes the unfinished business.

Mr. GALLINGER. It becomes the unfinished business?

Mr. CHAMBERLAIN. Yes, sir.

Mr. GALLINGER. I think the Senator is mistaken about that, but let us look at the rule.

The VICE PRESIDENT. Let the Chair state that he thinks there is a fair understanding, in view of the complication that arose between the unfinished business and this bill, that this bill was to be a special order for the first day after the unfinished business was disposed of, and that then it was to become the unfinished business. I think there was a fair understanding on that subject.

Mr. GALLINGER. That would be agreeable to me. I quite agree to that, as this bill was laid aside for the currency bill. I think if the Senator from Oregon would move to proceed to its consideration now and make it the unfinished business—

Mr. CHAMBERLAIN. We can proceed to its consideration now.

Mr. WILLIAMS. With the understanding that we will stop proceeding with it right away.

Mr. GALLINGER. I think the Senator from Oregon had better make that motion.

Mr. CHAMBERLAIN. I am going to keep the bill in its proper place on the calendar.

Mr. GALLINGER. If the Senator moves to proceed to the consideration of the bill, it will then become the unfinished business.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. BURTON. What order was made about the bill?

The VICE PRESIDENT. Senate bill 48 is now before the Senate.

Mr. CHAMBERLAIN. I want to have it understood that it will be the unfinished business, because there was some question raised heretofore as to whether it could become the unfinished business or not in its present status on the calendar.

Mr. GALLINGER. It has become that by the Senator's motion.

Mr. WILLIAMS. I ask unanimous consent that the bill be temporarily laid aside to come up as the unfinished business of the Senate.

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

#### PENOBSCOT RIVER BRIDGE.

Mr. JOHNSON. I ask unanimous consent for the present consideration of the bill (S. 1346) to authorize the Eastern Maine Railroad to construct, maintain, and operate a bridge without a draw across the Penobscot River between the cities of Bangor and Brewer, in the State of Maine.

This is a very small matter, favorably reported by the Committee on Commerce. It grants the right to build a railroad bridge across the Penobscot without a draw, the same right having been granted to build a highway bridge only a few rods below this proposed bridge.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Is there objection to the present consideration of the bill?

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

The bill was reported from the Committee on Commerce with an amendment, to add as an additional section the following:

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

The amendment was agreed to.

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

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

#### FENCE ON INTERNATIONAL BOUNDARY LINE.

Mr. ASHURST. Mr. President, yesterday I introduced a bill (S. 3791) to provide for the construction of a fence on the international boundary line from the Rio Grande River to the Pacific Ocean on the southern boundary of the United States, and appropriating \$350,000 therefor.

I notice, to my surprise, that one or two newspapers characterize this bill or this attempted appropriation on my part as an improper one. The high character of those papers would seem to make it incumbent upon me to offer at least a short explanation as to the intent, purposes, and scope of the bill.

The act of Congress approved May 26, 1910, volume 36, part 1, of Public Laws, Sixty-first Congress, 1909-1911, page 440, reads as follows:

Hereafter the Secretary of Agriculture may permit the erection of fences along international boundary lines, but entirely within the territory of the United States, for the purpose of keeping out diseased animals.

The Bureau of Animal Industry very properly has been active in the matter of trying to secure the building of such fence along the international line between the Republic of Mexico and our own Republic for the purpose of preventing the bringing in or the straying in from that Republic into this country of cattle infested with tick and various deleterious and harmful diseases.

I might add that the lack of a fence along the national boundary line has been the cause of the loss of millions of dollars to our cattlemen, and that the raising of cattle in the State of Arizona is a prime and important industry. Mr. President, I had not intended to encumber the RECORD upon this matter, but in order now that the necessity and the propriety of this legislation may be made apparent, I ask that I may have read at the desk, first, a letter from the Live Stock Sanitary Board of Arizona, and then that certain correspondence relating thereto be incorporated in the RECORD without reading.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Mr. SMOOT. I should like to ask the Senator if there is any real necessity to print the correspondence in the RECORD. I

do not want the Senator to feel that I am objecting to any request that he may make within reason, but—

Mr. ASHURST. My dear Senator, there is necessity for its going into the RECORD, in my opinion, or I should not have asked it. I would not do even a thing uselessly. I have introduced a bill, and I have a number of letters from the Bureau of Animal Industry and other bureaus regarding this legislation, and I do feel that inasmuch as aspersions have been made, I at least ought to put into the RECORD public documents that are issued from the departments of the Government urging this legislation.

Mr. SMOOT. I will say to the Senator I do not really think there was even a necessity to call attention to those newspaper articles; but it was his judgment that he should do so, and I am not going to object at this particular time to the matter going into the RECORD. But I want to give notice, Mr. President, that I shall try in the future to keep correspondence out of the RECORD.

The other morning in looking at the RECORD I found not one Senator asking that a certain document be put in the RECORD, but two pages over I found exactly the same document printed in the RECORD. It was printed twice the same day, word for word alike. It seems to me that we are running mad on printing in the RECORD.

Mr. ASHURST. Mr. President—

Mr. SMOOT. I will say to the Senator I am not going to object at this time, but I simply give notice now that I shall try to keep such matter out in future.

The PRESIDING OFFICER. Does the Senator from Arizona ask for the reading of one of the letters?

Mr. ASHURST. May I not, first, without consuming too much time, say I appreciate that there is some force in the suggestion of the distinguished Senator from Utah, but also say that there are documents, papers, and letters that do more justice to the RECORD than do some of our speeches at times. I do not know that that applies to the Senator from Utah. I feel on this subject, however, that I ought to include in the RECORD papers that seem to me to be pertinent. I will ask that the petition from the Live Stock Sanitary Board of Arizona be read, and then I may not ask for any more.

Mr. SMOOT. I want to say just one word on the subject. The CONGRESSIONAL RECORD is supposed to record what Senators say. It is not supposed to be, nor was it ever created or established, for putting in correspondence from anyone who sees fit to address a letter to a Senator of the United States. It is for that reason, and that only, that I say that in the future I shall object to such requests.

Mr. VARDAMAN. I ask the Senator if the RECORD has not been used for that purpose from time immemorial?

Mr. SMOOT. Years ago it was very seldom that correspondence was put into the RECORD.

Mr. VARDAMAN. But in recent years?

Mr. SMOOT. Of late it seems that half the RECORD, almost, is taken up in recording correspondence from citizens all over the United States sent to different Members of Congress.

Mr. ASHURST. To bring the matter to a close, the Senator from Utah must not feel that he has driven me from my position; but, I repeat, there is some force in his suggestion. I shall ask only that the petition and letter from the Live Stock Sanitary Board of Arizona be included. That is all I ask, but I should like to have it read.

The PRESIDING OFFICER. Without objection, the matter indicated by the Senator will be read.

The Secretary read as follows:

LIVE STOCK SANITARY BOARD OF ARIZONA,  
Phoenix, December 9, 1913.

Hon. HENRY F. ASHURST,  
United States Senator from Arizona, Washington, D. C.:

DEAR SENATOR: I am inclosing herewith a resolution passed by the Live Stock Sanitary Board at a meeting held in Phoenix, December 2, 1913.

This matter has been agitated by the stockmen of Arizona for a number of years, and while I was in Washington last summer I visited the Bureau of Animal Industry and was assured by Dr. Melvin, the chief of the bureau, that he realized the benefit of such a fence, and that if an appropriation could be secured for this purpose they would be only too glad to proceed with the work at once.

Yours sincerely,  
SAM B. BRADNER,  
Secretary Live Stock Sanitary Board.

Resolution.

Whereas the Live Stock Sanitary Board has information showing that the present condition of the international boundary line between the State of Sonora, Mexico, and the State of Arizona is open, unfenced, and unprotected, thereby enabling cattle to drift across said line from the State of Sonora into the State of Arizona without inspection or in any manner conforming to the requirements of the State of Arizona or the regulations of the Bureau of Animal Industry; and Whereas for the proper enforcement of the regulations of the United States Bureau of Animal Industry and for the protection of the live-stock industry of the United States, and especially the State of Ari-

zona, it is advisable that the international boundary line between said State of Sonora, Mexico, and the State of Arizona be fenced in a manner to prevent the drifting of live stock across said line: Therefore be it

*Resolved by the Live Stock Sanitary Board of the State of Arizona,* That the United States Bureau of Animal Industry be, and is hereby, requested to fence the said international boundary line between the State of Sonora, Mexico, and the State of Arizona, and that the United States Senators and Congressman from the State of Arizona be requested to take the necessary action to secure the relief asked in this resolution.

JAMES A. JOHNSON,  
Chairman of the Board.  
SAM B. BRADNER, Secretary.

## ELECTION OF SENATORS.

Mr. WALSH. Mr. President, I desire to give notice that at the conclusion of the routine business on Monday next I shall ask the Senate to proceed to the consideration of the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

## THE COMMITTEE ON COMMERCE.

Mr. WILLIAMS. I ask unanimous consent for the present consideration of Senate resolution No. 97, authorizing the Committee on Commerce or any subcommittee thereof to hold hearings, and so forth.

The PRESIDING OFFICER. The Senator from Mississippi asks for the present consideration of a resolution, which will be read for the information of the Senate.

There being no objection, the Senate proceeded to consider Senate resolution No. 97, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate, with amendments, in line 4, after the word "employ," to insert "if necessary"; and in line 5, after the word "page," to strike out "and to employ such assistants as may be required," so as to make the resolution read:

*Resolved,* That the Committee on Commerce or any subcommittee thereof be, and the same are hereby, authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ, if necessary, a stenographer at a price not to exceed \$1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee or under investigation or examination thereby; that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate; the expenses thereof to be paid out of the contingent fund of the Senate; and that such committee or subcommittee thereof may sit during the sessions of the Senate or during the vacation of the Senate at any place in the United States.

The amendments were agreed to.

The resolution as amended was agreed to.

## EXECUTIVE SESSION.

Mr. BACON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened and (at 2 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, December 22, 1913, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate December 20, 1913.*

## CONSULS.

Clarence Carrigan, of California, to be consul of the United States of America at Grenoble, France, vice Charles P. H. Nason, resigned.

Ezra M. Lawton, of Ohio, to be consul of the United States of America at Tegucigalpa, Honduras, vice Arminius T. Haerberle, appointed consul at St. Michaels, Azores.

## APPRAISER OF MERCHANDISE.

George W. Wolf, of New York, to be assistant appraiser of merchandise in the district of New York, in place of Bernard Herstein, resigned.

## UNITED STATES ASSAYER.

Charles Gammon, of Utah, to be assayer in charge of the United States assay office at Salt Lake City, Utah, in place of Joseph U. Eldredge, jr., resigned.

## COLLECTORS OF INTERNAL REVENUE.

Paul A. Hemmy, of Wisconsin, to be collector of internal revenue for the first district of Wisconsin, in place of Henry Fink, superseded.

John D. McNeel, of Alabama, to be collector of internal revenue for the district of Alabama in place of Sim T. Wright, superseded.

## UNITED STATES ATTORNEYS.

Francis D. Winston, of North Carolina, to be United States attorney for the eastern district of North Carolina, vice Herbert F. Seawell, removed.

John W. Preston, of California, to be United States attorney for the northern district of California, vice Benjamin L. McKinley, appointed by the court.

Frank C. Dailey, of Indiana, to be United States attorney for the district of Indiana, vice Charles W. Miller, resigned.

Rogers L. Burnett, of Pennsylvania, to be United States attorney, middle district of Pennsylvania, vice Andrew B. Dunsmore, resigned.

## UNITED STATES MARSHALS.

W. T. Dortch, of North Carolina, to be United States marshal for the eastern district of North Carolina, vice Claudius Dockery, removed.

Charles A. Webb, of North Carolina, to be United States marshal for the western district of North Carolina, vice William E. Logan, removed.

## PROMOTIONS IN THE ARMY.

## INFANTRY ARM.

Capt. Ralph H. Van Deman, Twenty-first Infantry, to be major from December 11, 1913, vice Maj. Albert C. Dalton, Twenty-seventh Infantry, detailed in the Quartermaster Corps on that date.

First Lieut. Roscoe H. Hearn, Ninth Infantry, to be captain from December 11, 1913, vice Capt. Ralph H. Van Deman, Twenty-first Infantry, promoted.

Second Lieut. James H. Laubach, Nineteenth Infantry, to be first lieutenant from December 11, 1913, vice First Lieut. Roscoe H. Hearn, Ninth Infantry, promoted.

## PROMOTIONS AND APPOINTMENT IN THE NAVY.

Medical Inspector George B. Wilson to be a medical director in the Navy from the 14th day of November, 1913.

Medical Inspector Charles F. Stokes to be a medical director in the Navy from the 20th day of November, 1913.

Surgeon Sheldon G. Evans to be a medical inspector in the Navy from the 14th day of November, 1913.

Naval Constructor Horatio G. Gillmor, with rank of lieutenant commander, to be a naval constructor in the Navy, with rank of commander, from the 4th day of December, 1913.

Jerome M. Lynch, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 5th day of December, 1913.

## REGISTERS OF THE LAND OFFICE.

Joseph Binnard, of Butte, Mont., to be register of the land office at Helena, Mont., vice Stephen Carpenter, whose term will expire December 20, 1913.

John E. Robins, of Ely, Nev., to be register of the land office at Elko, Nev., a new office under act of Congress approved October 3, 1913.

Mrs. Mary Wolfe Dargin, of Denver, Colo., to be register of the land office at Denver, Colo., vice Charles D. Ford, removed.

## RECEIVER OF PUBLIC MONEYS.

Ashley G. Dawley, of Elko, Nev., to be receiver of public moneys at Elko, Nev., a new office under act of Congress approved October 3, 1913.

## POSTMASTERS.

## ALASKA.

Albert Wile to be postmaster at Iditarod, Alaska. Office became presidential July 1, 1912.

## ARKANSAS.

C. A. Harris to be postmaster at Junction City, Ark., in place of Charles L. Jones, removed.

## CALIFORNIA.

J. W. Heard to be postmaster at Oilcenter, Cal., in place of J. S. Rees, removed.

## CONNECTICUT.

Dennis C. Murphy to be postmaster at Taftville, Conn., in place of James Graham, removed.

## ILLINOIS.

Margaret Keegan to be postmaster at Loda, Ill., in place of Charles E. Healey, removed.

## IOWA.

John J. Dunlevy to be postmaster at Lansing, Iowa, in place of George W. Metcalf, resigned.

Wallace M. Higbee to be postmaster at Fairbank, Iowa, in place of M. J. Collins, removed.

Jay Sullivan to be postmaster at Fontanelle, Iowa, in place of W. H. McClure, removed.

## KANSAS.

J. R. Lovitt to be postmaster at McCracken, Kans., in place of Clarence P. Dutton. Incumbent's commission expired January 14, 1913.

Joseph Pelishek to be postmaster at Wilson, Kans., in place of James M. Brown. Incumbent's commission expired February 9, 1913.

W. A. Waddell to be postmaster at Cottonwood Falls, Kans., in place of June B. Smith. Incumbent's commission expired March 31, 1912.

## MARYLAND.

Washington F. Collins to be postmaster at Millington, Md., in place of Rose E. Walls. Incumbent's commission expired January 11, 1913.

Harry O. De Vries to be postmaster at Ellicott City, Md., in place of C. H. Oldfield, removed.

## MASSACHUSETTS.

John Adams to be postmaster at Provincetown, Mass., in place of Joseph A. West, deceased.

Thomas H. Hackett to be postmaster at Westboro, Mass., in place of John W. Fairbanks, removed.

## MICHIGAN.

Charles E. Adair to be postmaster at Utica, Mich., in place of Stuart Beatty. Incumbent's commission expired December 14, 1912.

N. C. Sutherland to be postmaster at Romeo, Mich., in place of William T. Hosner. Incumbent's commission expired January 5, 1913.

G. Martin Harrington to be postmaster at Bancroft, Mich., in place of Hugh W. Parker. Incumbent's commission expired February 9, 1913.

Levi A. Harris to be postmaster at Gaylord, Mich., in place of W. S. Carpenter, removed.

Edwin S. Noble to be postmaster at Elk Rapids, Mich., in place of A. K. Dougherty, resigned.

Johnson A. Saur to be postmaster at Kent City, Mich. Office became presidential October 1, 1912.

William R. Teifer to be postmaster at Trenton, Mich. Office became presidential October 1, 1912.

## MINNESOTA.

Bernard P. Eagan to be postmaster at Spooner, Minn. Office became presidential October 1, 1913.

Joseph Huelskamp to be postmaster at Gaylord, Minn., in place of Jacob Geib. Incumbent's commission expired February 9, 1913.

T. F. Oneill to be postmaster at Gilbert, Minn. Office became presidential July 1, 1910.

Axel Ringborg to be postmaster at Bagley, Minn., in place of Aaron R. Butler. Incumbent's commission expired January 22, 1913.

William F. Roche to be postmaster at Lakeville, Minn. Office became presidential October 1, 1913.

## NEBRASKA.

James J. McCarthy to be postmaster at Greeley, Nebr., in place of William E. Morgan, resigned.

## NEW JERSEY.

Edward F. Higgins to be postmaster at Bloomfield, N. J., in place of H. C. Farrand. Incumbent's commission expired June 9, 1913.

## NORTH DAKOTA.

A. I. Koelmstedt to be postmaster at Langdon, N. Dak., in place of John McGauvran. Incumbent's commission expired July 20, 1913.

Myrtle Nelson to be postmaster at Bowman, N. Dak., in place of W. H. Workman, removed.

Frank Renning to be postmaster at Velva, N. Dak., in place of George W. Downing, removed.

W. W. Smith to be postmaster at Valley City, N. Dak., in place of William H. Pray, removed.

J. W. Stambaugh to be postmaster at Carrington, N. Dak., in place of E. T. Halaas, removed.

## OHIO.

George H. Gee to be postmaster at Salem, Ohio, in place of William S. Atchison. Incumbent's commission expired January 5, 1913.

## OKLAHOMA.

M. W. Ligon to be postmaster at Ada, Okla., in place of U. G. Winn, removed.

## SOUTH DAKOTA.

J. W. Applegate to be postmaster at Edgemont, S. Dak., in place of J. R. Johnston. Incumbent's commission expired August 5, 1913.

F. B. Boyle to be postmaster at Corsica, S. Dak. Office became presidential January 1, 1913.

Matthew F. Ryan to be postmaster at Mobridge, S. Dak., in place of John G. Vawter, resigned.

## TENNESSEE.

Elizabeth Kirby-Smith to be postmaster at Sewanee, Tenn., in place of Elizabeth Kirby-Smith. Incumbent's commission expired January 30, 1910.

Thomas E. Glass to be postmaster at Jackson, Tenn., in place of William E. Arnold, removed.

C. W. Metcalf, jr., to be postmaster at Memphis, Tenn., in place of J. C. French, deceased.

Mamie Erwin Perkins to be postmaster at Selmer, Tenn. Office became presidential October 1, 1912.

J. V. Walker to be postmaster at Tracy City, Tenn., in place of William E. Byers. Incumbent's commission expired March 3, 1913.

## WEST VIRGINIA.

J. Carl Vance to be postmaster at Clarksburg, W. Va., in place of S. C. Denham, removed.

## WISCONSIN.

Simon Skroch to be postmaster at Independence, Wis., in place of Joseph M. Garlick. Incumbent's commission expired January 26, 1913.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate December 20, 1913.*

## APPRAISER OF MERCHANDISE.

Thomas Butterworth to be appraiser of merchandise, Cincinnati, Ohio.

## COLLECTORS OF INTERNAL REVENUE.

Frank B. Niles to be collector of internal revenue for the tenth district of Ohio.

Harry H. Weiss to be collector of internal revenue for the eighteenth district of Ohio.

John D. McNeel to be collector of internal revenue for the district of Alabama.

## UNITED STATES ATTORNEYS.

Robert N. Bell to be United States attorney, northern district of Alabama.

Thomas D. Samford to be United States attorney, middle district of Alabama.

Alexander D. Pitts to be United States attorney, southern district of Alabama.

Frank C. Dailey to be United States attorney for the district of Indiana.

Rogers L. Burnett to be United States attorney, middle district of Pennsylvania.

## REGISTER OF THE LAND OFFICE.

Joseph Binnard to be register of the land office at Helena, Mont.

## WITHDRAWAL.

*Executive nomination withdrawn December 20, 1913.*

## UNITED STATES ATTORNEY.

Rogers H. Burnett to be United States attorney, middle district of Pennsylvania.

## HOUSE OF REPRESENTATIVES.

*SATURDAY, December 20, 1913.*

The House met at 12 o'clock noon.

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

O Thou, who are infinitely wise and good, ever ready to hear the prayers of those who diligently seek Thee, teach us, we beseech Thee, how to be faithful, how to be noble, how to be great in the common duties of everyday life, that we may develop symmetrically all the powers of mind and soul with which Thou hast endowed us unto the perfect man as we know it in Christ Jesus. Amen.

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

## BRIDGE ACROSS THE BAYOU BARTHOLOMEW, ARK.

Mr. GOODWIN of Arkansas. Mr. Speaker, I desire to call up the bill (H. R. 8142) to authorize the construction, maintenance, and operation of a bridge across the Bayou Bartholomew at or near Wilmot, Ark., and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the bill by title.  
The Clerk read as follows:

A bill (H. R. 8142) to authorize the construction, maintenance, and operation of a bridge across the Bayou Bartholomew at or near Wilmot, Ark.

Mr. PAGE of North Carolina. Mr. Speaker, reserving the right to object, there is no opposition to that, is there?

Mr. GOODWIN of Arkansas. No, sir.

The SPEAKER. Is there objection?

Mr. MANN. Let the bill be reported.

The SPEAKER. The bill will be reported in full.

The Clerk read as follows:

*Be it enacted, etc.*, That the county of Ashley, a corporation organized and existing under the laws of the State of Arkansas, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Bayou Bartholomew at or near Wilmot, Ark., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

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

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, of course this proceeding is unusual. Is there any emergency about the matter?

Mr. ADAMSON. Mr. Speaker, I desire to say, in answer to that question, if the gentleman from Arkansas will yield, that this bill was overlooked in our committee. The chief clerk was absent, and the bill was misplaced in some way, and when we reported the other bridge bills this was overlooked. When we discovered it we thought the gentleman from Arkansas had been treated unjustly through inadvertence, and I called a meeting of the committee, and we reported the bill.

Mr. MANN. It does not strike me that that constitutes an emergency. I would like to ask the gentleman from Arkansas whether or not there is need of great haste?

Mr. GOODWIN of Arkansas. I will state to the gentleman that in a sense it may be considered an emergency matter. Bayou Bartholomew has not been actively navigated for some years, but it is a barrier between rich districts of my district, and it should be bridged. There are three or four good towns on each side of the bayou, and there is a great necessity for constructing the bridge.

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

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

On motion of Mr. GOODWIN of Arkansas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. 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. 10523, the District appropriation bill.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10523, the District appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

The CHAIRMAN. On yesterday, when the committee rose, a point of order made by the gentleman from Illinois [Mr. MANN] against the amendment offered by the gentleman from Missouri [Mr. BORLAND] was pending. The Chair is ready to rule on the point of order.

The point of order is based upon the ground that the amendment proposes to change existing law, and that to be in order it must meet the requirements of the essential provisions of what is known as the Holman rule. The amendment in its practical effects provides that when under the proposed law a new street, avenue, or road in the District of Columbia shall be improved by any of the methods designated, such proportions of the cost shall be charged against the abutting property and assessments shall be levied against the owners of such abutting property, and when collected shall be deposited in the United States Treasury to the credit of the funds available for that purpose. In other words, this amendment purports to be a complete, permanent, and substantive provision of law, providing that hereafter in the administration of that portion of the

affairs of the District of Columbia relating to the improvement of streets or avenues and roads real estate owners shall be required to pay a certain proportion of the cost of such improvements adjacent to their own property.

This proposed law, of course, is not unlike similar laws in operation generally in the municipalities of the country which impose taxes against local benefits such as sidewalks or pavements. At the present time improvements of the kind mentioned in the proposed amendment are paid for out of the general fund of the District of Columbia, which is raised one-half from taxation in the District and one-half contributed from the Federal Government.

Of course the amendment does not undertake to comply with the first provision of clause 2 of Rule XXI relating to the reduction of salaries. Neither does it undertake to comply with the second provision relating to the reduction of the number of employees.

The third provision would make it necessary that the amendment should reduce the appropriation carried in the bill within the meaning and spirit of the rule as construed heretofore.

At this point another question arises relating to the germaneness of the amendment under a ruling which seems to be well established, and that is that without regard to the question of whether the amounts of the appropriations carried in the bill are reduced within the meaning of the third provision of clause 2 of Rule XXI, if the amendment constitutes separate, independent, permanent, substantive legislation, then, even though it should meet the requirement as to a reduction of expenditures, it would not be in order unless it came officially from the committee having jurisdiction of the subject matter of the amendment under the terms of the proviso of clause 2, Rule XXI. This has been held in two or three well established and generally accepted rulings.

As stated in the beginning, this amendment does contain such substantive provision of permanent law, designed for the first time to establish a system of assessments against the abutting property holders, which would require them in the future to pay a substantial portion of the expenses of street improvements. Now, this amendment does not come officially from the committee having jurisdiction of its subject matter—the Committee on the District of Columbia—but it is offered by the gentleman from Missouri [Mr. BORLAND] in his individual capacity; and without being called upon to pass upon the question of whether a reduction of expenditures would occur within the meaning of the third provision of clause 2 or within the meaning of the proviso, the Chair feels constrained to hold that under the previous ruling requiring an amendment of this character to come from the appropriate committee as aforesaid, or to be offered under the authority of the appropriate committee, that would preclude its consideration in this connection, and the point of order is sustained.

Mr. JOHNSON of Kentucky. Mr. Chairman, a bill not only of the—

The CHAIRMAN. The committee will rise informally, in order that the House may receive a message from the Senate.

Mr. MANN. Had not the committee better rise formally?

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HULL, 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. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Baker, its Secretary, announced that the Senate had passed, with an amendment, the bill (H. R. 7837) to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes, and had requested a conference with the House of Representatives on the bill and amendment, and had appointed as conferees on the part of the Senate Mr. OWEN, Mr. O'GORMAN, Mr. REED, Mr. POMERENE, Mr. SHAFROTH, Mr. HOLLIS, Mr. NELSON, Mr. BRISTOW, and Mr. CRAWFORD.

#### THE CURRENCY.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that the House disagree to the amendment of the Senate to the bill H. R. 7837, the currency bill, and agree to the conference asked for.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks unanimous consent that the House disagree to the Senate amendment to the currency bill and send the bill to conference. Is there objection?

Mr. MANN. Reserving the right to object, would the gentleman from Virginia be able, officially or unofficially, to let the House know later in the day what the prospects are of an immediate agreement in conference?

Mr. GLASS. I can let the House know now what the prospects are for an immediate agreement. There is no prospect at all of an immediate agreement.

Mr. MANN. It is not likely to be back to the House to-day, in any event?

Mr. GLASS. No; I think not.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, does the gentleman mean by his reply to the gentleman from Illinois that there will be no conference report back in the House to-day, to be printed in to-morrow morning's Record?

Mr. GLASS. I undoubtedly do mean that.

Mr. MURDOCK. Does that mean that probably the matter will go over for printing until Tuesday?

Mr. GLASS. I can not say as to Tuesday. Perhaps we can come to an agreement by Monday.

Mr. MURDOCK. If there should be an agreement on Sunday, can the conference report be printed on Monday morning?

Mr. GLASS. I do not know. I am not prepared to say as to that.

Mr. MANN. Would it not be practicable, whenever the conference report is ready, in the existing situation to waive the laying over for one day for printing of the conference report and print it and take immediate action upon it?

Mr. GLASS. I will ask unanimous consent to do that.

Mr. MANN. Of course, the Senate—

Mr. GLASS. I will ask unanimous consent that that be done. I will say frankly to the House that the newspaper reports that the conference report has already been agreed upon and written are utterly without foundation in fact. There has been no—

Mr. MADDEN. There are differences which—

Mr. GLASS. I say the report that has been given some degree of dignity in another branch of Congress, that the conference report has been agreed upon and practically written, is utterly without foundation in fact. I have not discussed the matter 15 minutes with any Member of the other House within six weeks.

Mr. MADDEN. Then the gentleman wishes the House to understand that there are serious differences of opinion between the two Houses?

Mr. GLASS. Undoubtedly there are some wide differences.

Mr. MURRAY of Oklahoma. Mr. Speaker, reserving the right to object, I had hoped that the gentleman from Virginia would think better of the amendments offered in the Senate, and if it is intended to convey the idea that this House unanimously opposes the Senate amendments I should feel like objecting. I do not think there is a single provision put into the bill by the Senate, except one, but that is much better than the House provision. I would feel like concurring in the Senate amendments if I thought that the gentleman from Virginia and his associates would undertake to hold up and delay the bill and undertake to defeat the amendments that have been put on the bill in the Senate.

Mr. GLASS. Mr. Speaker, "the gentleman from Virginia" is not indicating in a general way what he thinks of the Senate amendments. He does not propose to do that now, but will do that in conference.

Mr. MURRAY of Oklahoma. But the gentleman stated that there were very "serious differences," and I thought I could understand the meaning of that expression of the English language as a desire on his part to defeat the Senate amendments.

Mr. HARDWICK. Mr. Speaker, I want to suggest to the gentleman from Virginia that because of the fact that the Senate has selected an unusually large number of conferees the number of conferees that we should have on the part of the House is one that deserves some consideration at his hands. Will we have an equal number of conferees with the Senate?

Mr. GLASS. Not if I can prevent it. [Laughter and applause.]

Mr. HARDWICK. I do not feel inclined myself to give consent to the appointment of the lesser number of conferees. Why should not we have the same number as has the Senate?

Mr. MANN. The gentleman from Georgia will understand that the conferees act as a separate body.

Mr. HARDWICK. Certainly; but why should not we have the same number as the Senate?

Mr. MANN. For the very good reason that it would ordinarily take three Senators to equal one Representative. [Laughter.]

Mr. HARDWICK. Mr. Speaker, while that view of the situation may be very agreeable to ourselves, I doubt whether it quite comports with the fact, but really I am serious, and I would like to know why we ought not to have the same number of conferees as has the Senate?

Mr. GLASS. Mr. Speaker, I have given the matter very serious consideration—

Mr. HARDWICK. I want to know how you get at it.

Mr. GLASS. If the gentleman will allow me to proceed. I have given the matter serious consideration, and I shall object to the appointment of a like number of conferees, because the House conferees want to deal with the matter as effectively as they may from the House point of view.

Mr. HARDWICK. Does not the Senate want to deal with the matter as effectively from the Senate's point of view?

Mr. GLASS. We differ in judgment as to how that may best be done.

Mr. HARDWICK. I want to ask, Mr. Speaker, how that question can be raised. I find myself utterly disagreeing with the gentleman from Virginia, and I believe that the House on this important bill, perhaps the most important that has passed this body in 100 years, certainly 50 years, ought to have a larger number of conferees.

The SPEAKER. The practice has been to appoint three conferees. On the tariff bill there were five appointed.

Mr. HARDWICK. Because the Senate appointed five.

The SPEAKER. Not necessarily because the Senate appointed five, but because the gentleman from Alabama asked the Chair to appoint five.

Mr. HARDWICK. Perhaps the reason the gentleman from Alabama asked the Speaker to appoint five was because the Senate appointed five.

The SPEAKER. To tell the gentleman the truth, the Chair does not understand exactly the modus operandi of proceeding for a larger number of conferees. It is in the discretion of the Speaker. It is usual to appoint three. On that occasion the Chair appointed five, and the Chair states frankly to the gentleman from Georgia that it was because the gentleman from Alabama [Mr. UNDERWOOD] asked him to appoint five.

Mr. HARDWICK. And the gentleman naturally asked for five because the Senate appointed five.

The SPEAKER. It might have been for that reason, and it might have been because he wanted to get some particular Member on the conferees.

Mr. MANN. Mr. Speaker, I may be mistaken, but my recollection is that when the Payne bill passed the House the House appointed the conferees first.

Mr. HARDWICK. And appointed five.

Mr. GARRETT of Tennessee. The gentleman from Illinois is mistaken about the House appointing the conferees first. The Senate appointed first, and there were seven conferees on the part of the House.

Mr. HARDWICK. Mr. Speaker, it is well known by the entire House, the membership on both sides of this aisle, and the country that there are a good many divergent ideas about the bill and what it ought finally to contain, and for one I shall not give unanimous consent that is based on a proposition that we are to have only three conferees when the Senate has nine.

Mr. GLASS. Mr. Speaker, I desire to say that the members of the Banking and Currency Committee of the House have no differences to adjust. We have asked the Speaker to appoint our conferees with a view of getting through with this business and letting the Members of Congress go home for a recess. [Applause.]

Mr. HARDWICK. While that may be true, we can get through with it just as well with five or seven or nine conferees as with three, and the gentleman need not try to get that sentiment enlisted upon that side of the controversy. I want to get home just as badly as does the gentleman, and I have been here longer than he has.

Mr. GLASS. Mr. Speaker, I am not disposed to permit the gentleman from Georgia to say what is the proper thing to do.

Mr. HARDWICK. I am going to tell the gentleman what I think is the proper thing to do and what he can not proceed to do with my consent.

Mr. GLASS. The gentleman's consent is not absolutely necessary to proceed with this business.

Mr. HARDWICK. Suppose the gentleman try to proceed without it. Mr. Speaker, I object to the gentleman's request.

Mr. PAYNE. Mr. Speaker, permit me to make a suggestion that I think may restore harmony upon that side of the House, and that is that the gentleman from Virginia ask for unanimous consent to disagree to the Senate amendments and ask for a conference, and then allow the House to vote on the number of the conferees.

Mr. HARDWICK. That is agreeable to me.

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. When will a motion to concur in the Senate amendments be in order?

Mr. HARDWICK. It is in order now, if the Speaker will pardon me for answering the gentleman's question.

Mr. AUSTIN. Then I make that motion.

The SPEAKER. The motion of the gentleman from Tennessee is that the House concur in the Senate amendments.

Mr. MANN. Mr. Speaker, that motion is not in order yet, because the matter can not come before the House until unanimous consent is given.

The SPEAKER. The Chair thinks that the motion is out of order until we dispose of the request for unanimous consent.

Mr. UNDERWOOD. Mr. Speaker, I desire to suggest to the gentleman from Georgia [Mr. HARDWICK] that the request which has been submitted by the gentleman from Virginia is for unanimous consent to send the bill to conference. If that is granted, that does not carry with it the question of appointing the conferees.

Mr. HARDWICK. Mr. Speaker, the gentleman from Alabama knows very well that if the gentleman from Virginia [Mr. GLASS] has requested that only three conferees be appointed, and the question is not raised, and the gentleman's request is granted, the Speaker will undoubtedly appoint only three conferees on the part of the House. If the gentleman will pardon me just a moment, so that the Members of the House may understand my point of view, it seems to me that any bill of this importance, affecting every section of this country and interest in it, the House is entitled to more than three conferees. If three men are wise, that does not necessarily mean that all wisdom resides in any three Members of the House, even if the gentleman from Virginia be one of the three.

Mr. UNDERWOOD. Mr. Speaker, I desire to call the gentleman's attention to this fact: I suppose the gentleman from Virginia [Mr. GLASS] does not desire to foreclose the rights of anyone, but it has been generally understood up to this time that there would be three conferees appointed on the part of the House.

Mr. HARDWICK. I did not so understand it.

Mr. UNDERWOOD. I mean that that is the usual process in a bill of this nature.

Mr. HARDWICK. After the Senate appointed nine, did we still understand that?

Mr. UNDERWOOD. I said up until this time—up until yesterday.

Mr. HARDWICK. Oh, yes.

Mr. UNDERWOOD. And I know that the gentleman from Virginia and his colleagues, constituting the three senior members on the committee, following the custom in this House, have been keeping up with the Senate amendments. They have informed themselves as to what the Senate has been doing, and have tried to work out their views in reference to the matter. If you inject a number of other conferees into the situation, of necessity it would delay action on the bill. I take it that the points of difference between the two Houses are not going to be very serious, except possibly on one or two matters.

Mr. HARDWICK. They are very important.

Mr. UNDERWOOD. And when they come back here the House itself will have a full and ample opportunity to act on the conference report.

Mr. HARDWICK. It will not have if this request be granted in this form.

Mr. UNDERWOOD. The suggestion I wish to make to the gentleman from Georgia is that if he grants unanimous consent to send the bill to conference, that does not foreclose his right to make a motion to appoint nine conferees, if he desires to, because the Speaker under the rules has the right to appoint the conferees only when the House does not otherwise determine. Of course, after the unanimous consent is given, the gentleman from Georgia would have the right to move the appointment of the same number of conferees that the Senate has named. If that motion is agreed to, that would end it. If the motion is voted down, the Speaker could appoint the conferees as asked for by the gentleman from Virginia. I am sure the gentleman from Georgia understands the rules as well as I do.

Mr. HARDWICK. Well, there is no need for the gentleman and myself to spar about this matter. Of course the gentleman

knows just as well as I do that with the chairman of the committee moving to appoint three it is not at all probable that any Member, outside of the committee, on either side of the House, could prevail on the House, on a hastily brought-up fight, to act otherwise, without the opportunity for some argument of the question.

Mr. UNDERWOOD. Does not the gentleman from Georgia think that if he has an opportunity to submit his views to the House and ask for a vote on them that is as far as he ought to go in reference to the matter?

Mr. HARDWICK. Possibly; but there is this further question involved: Some of these Senate amendments are of immense importance, and, in my judgment, some of them vastly improve this bill. What I would like to do, and if I can get any assurance on that point I am willing to waive any other right I have in the premises, is to be assured we are to be given an opportunity to vote on some of the Senate amendments if the conferees of the House will not agree to them in conference. Of course that depends upon the conduct of our conferees, and the gentleman knows as well as I do that the conferees can come in and move the adoption of the conference report as a whole and we can not get a vote on any one of the Senate amendments, no matter how greatly we desire, if we let this stage of the proceedings pass.

Mr. UNDERWOOD. Well, I think it would be a difficult proposition for any gentleman going to conference on a bill of this kind to agree in advance that he will bring particular amendments back for a vote.

Mr. HARDWICK. Yet that is frequently done.

Mr. UNDERWOOD. I think the papers go first to the Senate, and if the Senate should immediately agree to the report it would not be in the power of the gentleman from Virginia—

Mr. HARDWICK. It has come to the House first in this case; the report comes back to the House first.

Mr. UNDERWOOD. I have not looked—

Mr. MANN. The House agrees to it first.

Mr. HARDWICK. So we have the first shot at it, so that argument does not apply. The gentleman knows I have not liked this bill at all—

Mr. MANN. There is only one Senate amendment.

Mr. HARDWICK. Well, that is true, but there are many details—different propositions.

Mr. MANN. You could not act on part of the Senate report.

Mr. BARNHART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARNHART. Would a motion be in order to refuse to concur in the Senate amendment and send it to conference?

The SPEAKER. That is exactly what is up now, except it is not a motion, but a request for unanimous consent.

Mr. BARNHART. I know, but we do not seem to be getting anywhere in the discussion.

The SPEAKER. Well, we will get there after awhile.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The bill as it passed the House, having been considered in the Committee of the Whole covering the entire subject, and there being no new subject involved in the Senate amendment as distinct from the various issues involved in the bill as it passed the House, is it not now in order for the gentleman from Virginia to move to disagree to the Senate amendment and agree to the conference asked for without sending it to the committee or having it acted upon in the Committee of the Whole House on the state of the Union?

Mr. HARDWICK. Mr. Speaker, I would like to be heard on that question if the gentleman raises it seriously.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

Mr. UNDERWOOD. Will the gentleman let me again put this motion?

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. If objection is made to the request for unanimous consent made by the gentleman from Virginia, would that not send the bill to the Committee on Banking and Currency automatically?

The SPEAKER. Under the practice of the House, that is exactly what would happen.

Mr. MADDEN. Unless we have some sort of an agreement that we are to have an opportunity to vote for some of the Senate amendments and if the conferees of the House insist upon the House bill as it went to the Senate, I shall refuse to give unanimous consent.

Mr. HARDWICK. That is what will happen.

The SPEAKER. The Chair will state for the information of those who have not already learned it, that there is only one Senate amendment, which strikes out everything after the enacting clause in the House bill and brings in one amendment.

Mr. MANN. Now, Mr. Speaker, I do not understand that there is any new issue presented in the Senate amendment entirely apart from the consideration of the propositions involved in the bill as it passed the House and was considered in the Committee of the Whole House on the state of the Union in the House. The change which might have been made in the House in the consideration of the bill here, if made in the Senate, does not send it to the Committee of the Whole House on the state of the Union when it comes back. There must be a new proposition entirely to require it to be considered in the Committee of the Whole in the House, and, unless required to be so considered, does not go to the Committee on Banking and Currency, but it is in order to take it up now.

The SPEAKER. The Chair will ask the gentleman from Illinois [Mr. MANN] if he ever saw such a performance in the House?

Mr. GLASS. Never in the world.

Mr. MANN. Well, Mr. Speaker, I have never seen a banking and currency bill of this kind presented, but I have seen such performances in the House.

The SPEAKER. Has the gentleman ever seen that motion made?

Mr. MANN. Of course, it is frequently made. Now, on an appropriation bill that comes back to the House, where the Senate inserts a new amendment, an amendment covering a new item, it is never considered in the House, but has to go to the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair understands the gentleman now. He is talking about taking it from the Speaker's table because it is the House bill with Senate amendments.

Mr. MANN. But a House bill with Senate amendments does not have to be referred to the committee unless it is to be considered in the Committee of the Whole House on the state of the Union.

The SPEAKER. Now, the only thing that ever took this bill originally from the Committee of the Whole House was one section in it that appropriated \$100,000 for something or another.

Mr. MANN. That created a lot of offices. Now, the Senate has changed some items in the form of a new amendment, but the subject matter was all under consideration in the House in the Committee of the Whole before. So far as I have observed the Senate amendment, there is nothing in it which would require it to go again to the Committee of the Whole.

The SPEAKER. It would take a Senate proposition involving an appropriation of money to send this for consideration to the Committee of the Whole House on the state of the Union. The Chair has not had time to read this amendment. But the first thing to do is to get rid of this unanimous consent.

Mr. UNDERWOOD. Mr. Speaker, I renew the request.

Mr. MADDEN. Mr. Speaker—

Mr. UNDERWOOD. Allow me—

The SPEAKER. What is the request?

Mr. UNDERWOOD. I ask unanimous consent that this Senate amendment be disagreed to and the request of the Senate for a conference be agreed to. Now, that does not involve the question of who shall be the conferees. After the motion is agreed to, that question can be settled by the House.

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I ask the gentleman to modify his request so as to give us five conferees on the part of the House.

Mr. UNDERWOOD. That is not satisfactory to the chairman of the committee, and I do not think it should be taken away from him unless the House wants to do it.

Mr. HARDWICK. The gentleman is now proceeding by unanimous consent.

Mr. UNDERWOOD. I understand that. I think if the gentleman from Georgia [Mr. HARDWICK] has an opportunity, as he will, to move for five conferees, this unanimous-consent request does not take away any of his rights. I think if we do not do this, it will be necessary to ask for a rule to send the bill to conference, if we want to get away before the holidays.

Mr. MADDEN. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MADDEN. Is there any reason why there ought not to be an understanding, before unanimous consent is granted, that the House will have an opportunity to vote on the amendment, or amendments, as the case may be, that are added to this bill by the Senate. The reason I ask it is that I consider the bill a very much better one now than when it passed the House. In fact, I considered the bill as it passed the House very dangerous to the fiscal interests of the country, and I, for one, am not willing to send this bill to conference without knowing in advance that I am going to have an opportunity to vote for the

bill as passed by the Senate. I would not vote for the bill as it passed the House, and I do want to help to pass a law that I think is advantageous to the business interests of the country, and this is much more so than the bill which passed the House.

Mr. UNDERWOOD. I will state to the gentleman from Illinois [Mr. MADDEN] that, of course, the House might by unanimous consent take up the bill now and consider the amendment. But if we did that, it would take up the time of the House to-day and Monday.

Mr. LENROOT. There is just one amendment.

Mr. UNDERWOOD. We might spend a large portion of the time in the House to-day and yet might not thrash out these amendments that the committee will ultimately agree to. I think it expedites the matter, and if we want to get away before Christmas the matter should be expedited.

Mr. HARDWICK. I will ask the gentleman from Alabama how could we spend the time in a more useful and profitable way? This is an important matter. We shall be serving the best interests of the country if we take our time.

Mr. MURRAY of Oklahoma. Mr. Speaker, I object, and move that the House concur in the Senate amendment.

The SPEAKER. The gentleman can not do both things at once.

Mr. MURRAY of Oklahoma. Then I make a preferential motion.

The SPEAKER. The gentleman can not make a preferential motion until you get rid of the other.

Mr. MURRAY of Oklahoma. Then I object.

The SPEAKER. The gentleman has a perfect right to object.

Mr. MANN. Mr. Speaker, will the gentleman from Alabama permit me to make a suggestion to him?

Mr. UNDERWOOD. Certainly.

Mr. MANN. When this bill goes to conference, and the conferees report back to the House, it is within the power of the House to receive the conference report, and the motion of the gentleman would then be in order.

Mr. HARDWICK. Yes; but, if the gentleman will pardon me, we should have to vote on it as a whole. We can not vote on the different substantive propositions involved. Some of them we might favor and some of them we might perhaps oppose. This is the stage in the parliamentary proceedings in which rights of that kind must be preserved if they are to be preserved at all.

Mr. MURRAY of Oklahoma. Mr. Speaker, I move now to concur in the Senate amendment.

The SPEAKER. The Chair finds by examination of this bill that the salaries were raised in it.

Mr. MANN. Mr. Speaker, the raising of salaries would not send it to the Committee of the Whole House on the state of the Union. The changing of a salary would not, but it has been suggested that the guaranteeing of bank deposits would.

Mr. HARDWICK. But the creation of new offices would not?

Mr. MANN. I do not think so.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Oklahoma [Mr. MURRAY], in order to avoid all question, that he ask unanimous consent to concur in the Senate amendment. I understand that if that is disagreed to it is equivalent to a motion to disagree, and then it will be in order to agree to the conference. The bill would then be before the House, would it not?

Mr. MURRAY of Oklahoma. Oh, yes; but one vote might change the result. We might get a majority.

Mr. UNDERWOOD. The gentleman might ask unanimous consent that the bill be laid before the House for consideration and then move to concur in the Senate amendment. The Speaker is in doubt whether it can be done.

Mr. MURRAY of Oklahoma. Then, Mr. Speaker, I will withdraw the motion for that purpose and ask unanimous consent.

Mr. UNDERWOOD. I will ask unanimous consent, Mr. Speaker, that the bill be laid before the House for consideration.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the bill be taken from the Speaker's table and laid before the House for consideration. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I move that the House concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (H. R. 7837) to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes.

Mr. UNDERWOOD. Mr. Speaker, I want to inquire of the gentleman from Oklahoma whether or not he desires to discuss the question?

Mr. MURRAY of Oklahoma. I am not particular about it. I would be willing to take a vote on it.

Mr. MANN. There is a motion pending to concur in the Senate amendment. That amendment must be read. I am not willing to vote on a proposition of that sort without its being reported.

Mr. UNDERWOOD. My purpose is to set a time for debate.

Mr. MANN. I have no objection to an agreement as to the time for debate.

Mr. UNDERWOOD. If it is agreeable to the gentleman from Oklahoma [Mr. MURRAY], I will ask unanimous consent that there may be 30 minutes' debate on the motion, 15 minutes to be controlled by the gentleman from Oklahoma and 15 minutes by the gentleman from Virginia [Mr. GLASS].

Mr. MADDEN. Mr. Speaker, I reserve the right to object.

Mr. MURRAY of Oklahoma. Mr. Speaker, I think if we are going to discuss it at all, we had better have a little more time on it.

Mr. MADDEN. I think, Mr. Speaker, it is only fair that we should have sufficient time to discuss the bill intelligently, and we ought to have at least two hours on a side. Personally, I favor the Senate amendments, and would vote for them if an opportunity were given to me, and I want to see everybody else in the House have an opportunity to hear just what the merits of the Senate amendments are.

Mr. UNDERWOOD. Mr. Speaker, I think this bill ought to go to conference at once. Of course, after the bill is reported it will be in order to move the previous question which will limit debate to 20 minutes on a side. I think if we want to get away before the Christmas holidays that ought to be done.

Mr. MURRAY of Oklahoma. Suppose we agree to 30 minutes on a side.

Mr. MANN. I shall object to any unanimous-consent agreement with such a short time allowed for debate.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects to any unanimous-consent agreement. The Clerk will read the Senate amendment.

The Clerk read as follows:

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

"That the short title of this act shall be the 'Federal reserve act'.

"Wherever the word 'bank' is used in this act, the word shall be held to include State bank, banking association, and trust company, except where national banks or Federal reserve banks are specifically referred to.

"The terms 'national bank' and 'national banking association' used in this act shall be held to be synonymous and interchangeable. The term 'member bank' shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by this act. The term 'board' shall be held to mean Federal reserve board; the term 'district' shall be held to mean Federal reserve district; the term 'reserve bank' shall be held to mean Federal reserve bank.

#### "FEDERAL RESERVE DISTRICTS.

"SEC. 2. As soon as practicable, the Secretary of the Treasury and not less than two other members of the Federal reserve board herein-after provided for, to be assigned by the President, acting as 'The reserve bank organization committee,' shall designate not less than 8 nor more than 12 cities to be known as Federal reserve cities, and shall divide the continental United States, including Alaska, into districts, each district to contain one, and only one, of such Federal reserve cities. The determination of said organization committee shall not be subject to review except by the Federal reserve board when organized; *Provided*, That the districts shall be apportioned with due regard to the convenience and customary course of business and shall not necessarily be coterminous with any State or States. The districts thus created may be readjusted and new districts may from time to time be created by the Federal reserve board, not to exceed 12 in all. Such districts shall be known as Federal reserve districts and may be designated by number. A majority of the organization committee shall constitute a quorum with authority to act.

"Said organization committee shall be authorized to employ counsel and expert aid, to take testimony, to send for persons and papers, to administer oaths, and to make such investigation as may be deemed necessary by the said committee in determining the reserve districts and in determining the cities within such districts where such Federal reserve banks shall be severally located. The said committee shall supervise the organization, in each of the cities designated, of a Federal reserve bank, which shall include in its title the name of the city in which it is situated, as 'Federal Reserve Bank of Chicago.'

"Under regulations to be prescribed by the organization committee, every national banking association in the United States is hereby required and every eligible bank in the United States and every trust company within the District of Columbia incorporated under an act of Congress approved October 1, 1891, is hereby authorized to signify in writing, within 60 days after the passage of this act, its acceptance of the terms and provisions hereof. When a Federal reserve bank shall have been organized, every national banking association within that district shall be required and every eligible bank may be permitted to subscribe to the capital stock thereof in a sum equal to 6 per cent of the paid-up capital stock and surplus of such bank, one-sixth of the subscription to be payable on call of the organization committee or of the Federal reserve board, one-sixth within three months and one-sixth within six months thereafter, and the remainder of the subscription, or any part thereof, shall be subject to call when deemed necessary by the Federal reserve board, said payments to be in gold or gold certificates.

"The shareholders of every Federal reserve bank shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of their subscriptions to such stock at the par value thereof in

addition to the amount subscribed, whether such subscriptions have been paid up in whole or in part, under the provisions of this act.

"Any national bank failing to signify its acceptance of the terms of this act within the 60 days aforesaid shall cease to act as a reserve agent, upon 30 days' notice, to be given within the discretion of the said organization committee or of the Federal reserve board.

"Should any national banking association in the United States now organized fail, within one year after the passage of this act, to become a member bank under the provisions hereinbefore stated, or fail to comply with any of the provisions of this act applicable thereto, all of the rights, privileges, and franchises of such association granted to it under the national-bank act, or under the provisions of this act, shall be thereby forfeited. Any noncompliance with or violation of this act shall, however, be determined and adjudged by any court of the United States of competent jurisdiction in a suit brought for that purpose in the district of territory in which such bank is located, under direction of the Federal reserve board, by the Comptroller of the Currency in his own name before the association shall be declared dissolved. In cases of such noncompliance or violation, other than the failure to become a member bank under the provisions of this act, every director who participated in or assented to the same shall be held liable in his personal or individual capacity for all damages which said bank, its shareholders, or any other person shall have sustained in consequence of such violation.

"Such dissolution shall not take away or impair any remedy against such corporation, its stockholders or officers, for any liability or penalty which shall have been previously incurred.

"Should the subscriptions by banks to the stock of said Federal reserve banks or any one or more of them be, in the judgment of the organization committee, insufficient to provide the amount of capital required therefor, then and in that event the said organization committee may, under conditions and regulations to be prescribed by it, offer to public subscription at par such an amount of stock in said Federal reserve banks, or any one or more of them, as said committee shall determine, subject to the same conditions as to payment in and stock liability as provided for member banks.

"No individual, copartnership, or corporation other than a member bank of its district shall be permitted to subscribe for or to hold at any time more than \$10,000 par value of stock in any Federal reserve bank. Such stock shall be known as public stock and may be transferred on the books of the Federal reserve bank by the chairman of the board of directors of such bank.

"Should the total subscriptions by banks and the public to the stock of said Federal reserve banks, or any one or more of them, be, in the judgment of the organization committee, insufficient to provide the amount of capital required therefor, then and in that event the said organization committee shall allot to the United States such an amount of said stock as said committee shall determine. Said United States stock shall be paid for at par out of any money in the Treasury not otherwise appropriated, and shall be held by the Secretary of the Treasury and disposed of for the benefit of the United States in such manner, at such times, and at such price, not less than par, as the Secretary of the Treasury shall determine.

"Stock not held by member banks shall not be entitled to voting power in the hands of its holders, but the voting power thereon shall be vested in and be exercised solely by the class C directors of the Federal reserve bank in which said stock may be held, and who shall be designated as 'voting trustees.' The voting power on said public stock shall be limited to one vote for each \$15,000 par value thereof, fractional amounts not to be considered. The voting trustees shall exercise the same powers as member banks in voting for class A and class B directors.

"The Federal reserve board is hereby empowered to adopt and promulgate rules and regulations governing the transfers of said stock and the exercise of the voting power thereon.

"No Federal reserve bank shall commence business with a subscribed capital less in amount than \$3,000,000. The organization of reserve districts and Federal reserve cities shall not be construed as changing the present status of reserve cities and central reserve cities, except in so far as this act changes the amount of reserves that may be carried with approved reserve agents located therein. The organization committee shall have power to appoint such assistants and incur such expenses in carrying out the provisions of this act as it shall deem necessary, and such expenses shall be payable by the Treasurer of the United States upon voucher approved by the Secretary of the Treasury, and the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of such expenses.

#### "BRANCH OFFICES.

"SEC. 3. Each Federal reserve bank shall establish branch offices within the Federal reserve district in which it is located and also in the district of any Federal reserve bank which may have been suspended, such branches to be established and conducted at places and under regulations approved by the Federal reserve board.

#### "FEDERAL RESERVE BANKS.

"SEC. 4. When the organization committee shall have established Federal reserve districts as provided in section 2 of this act, a certificate shall be filed with the Comptroller of the Currency showing the geographical limits of such districts and the Federal reserve city designated in each of such districts. The Comptroller of the Currency shall thereupon cause to be forwarded to each national bank located in each district, and to such other banks declared to be eligible by the organization committee which may apply therefor, an application blank in form to be approved by the organization committee, which blank shall contain a resolution to be adopted by the board of directors of each bank executing such application, authorizing a subscription to the capital stock of the Federal reserve bank organizing in that district in accordance with the provisions of this act.

"When the minimum amount of capital stock prescribed by this act for the organization of any Federal reserve bank shall have been subscribed and allotted the organization committee shall designate any five banks of those whose applications have been received to execute a certificate of organization, and thereupon the banks so designated shall, under their seals, make an organization certificate which shall specifically state the name of such Federal reserve bank, the territorial extent of the district over which the operations of such Federal reserve bank are to be carried on, the city and State in which said bank is to be located, the amount of capital stock and the number of shares into which the same is divided, the name and place of doing business of each bank executing such certificate, and of all banks which have subscribed to the capital stock of such Federal reserve bank and the number of shares subscribed by each, and the fact that the certificate is made

to enable those banks executing same, and all banks which have subscribed or may thereafter subscribe to the capital stock of such Federal reserve bank to avail themselves of the advantages of this act.

"The said organization certificate shall be acknowledged before a judge of some court of record or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary, transmitted to the Comptroller of the Currency, who shall file, record, and carefully preserve the same in his office.

"Upon the filing of such certificate with the Comptroller of the Currency as aforesaid, the said Federal reserve bank shall become a body corporate, and as such, and in the name designated in such organization certificate, shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession for a period of 20 years from its organization unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law or equity.

"Fifth. To appoint by its board of directors, elected as hereinafter provided, such officers as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalty thereof, to dismiss such officers or any of them as may be appointed by them at pleasure, and to appoint others to fill their places.

"Sixth. To prescribe by its board of directors by-laws not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed.

"Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this act.

"Eighth. Upon deposit with the Treasurer of the United States of any bonds of the United States in the manner provided by existing law relating to national banks, to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited, such notes to be issued under the same conditions and provisions of law which relate to the issue of circulating notes of national banks secured by bonds of the United States bearing the circulating privilege, except that the issue of such notes shall not be limited to the amount of the capital stock of such Federal reserve bank.

"But no Federal reserve bank shall transact any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the Comptroller of the Currency to commence business under the provisions of this act.

"Every Federal reserve bank shall be conducted under the supervision and control of a board of directors.

"The board of directors shall perform the duties usually appertaining to the office of directors of banking associations and all such duties as are prescribed by law.

"Said board shall administer the affairs of said bank fairly and impartially and without discrimination in favor of or against any member bank or banks and shall, subject to the provisions of law and the orders of the Federal reserve board, extend to each member bank such discounts, advancements, and accommodations as may be safely and reasonably made with due regard for the claims and demands of other member banks.

"Such board of directors shall be selected as hereinafter specified and shall consist of nine members, holding office for three years, and divided into three classes, designated as classes A, B, and C.

"Class A shall consist of three members, who shall be chosen by and be representative of the stock-holding banks.

"Class B shall consist of three members, who at the time of their election shall be actively engaged in their district in commerce, in agriculture, or in some other industrial pursuit.

"Class C shall consist of three members, who shall be designated by the Federal reserve board. When the necessary subscriptions to the capital stock have been obtained for the organization of any Federal reserve bank, the Federal reserve board shall appoint the class C directors herein provided for and shall designate one of such directors as chairman of the board to be selected. Pending designation of such chairman the organization committee shall, as provided in this section, exercise the powers and duties appertaining to the office of chairman in the organization of such Federal reserve bank.

"No Senator or Representative in Congress shall be a member of the Federal reserve board, a director of a Federal reserve bank, or an officer or director of any member bank.

"No director of class B or of class C shall be an officer, director, employee, or stockholder of any bank.

"Directors of class A and class B shall be chosen in the following manner:

"The chairman of the board of directors of the Federal reserve bank of the district in which the bank is situated or, pending the appointment of such chairman, the organization committee shall classify the member banks of the district into three general groups or divisions. Each group shall contain, as nearly as may be, one-third of the aggregate number of the member banks of the district, and shall consist, as nearly as may be, of banks of similar capitalization. The groups shall be designated by number by the chairman.

"At a regularly called meeting of the board of directors of each member bank in the district it shall elect by ballot a district reserve elector and shall certify his name to the chairman of the board of directors of the Federal reserve bank of the district. The chairman shall establish lists of the district reserve electors thus named by banks in each of the aforesaid three groups and shall transmit one list to each elector in each group.

"Every elector shall, within 15 days after the receipt of the said list, certify to the chairman his first, second, and other choices of a director of class A and class B, respectively, upon a preferential ballot, on a form furnished by the chairman of the board of directors of the Federal reserve bank of the district. Each elector shall make a cross opposite the name of the first, second, and other choices for a director of class A and for a director of class B, but shall not vote more than one choice for any one candidate.

"Any candidate having a majority of all votes cast in the column of first choice shall be declared elected. If no candidate have a majority of all the votes in the first column, then there shall be added together the votes cast by the electors for such candidates in the second column to the votes cast for the several candidates in the first column. If any candidate then have a majority of the electors voting, by adding together the first and second choices, he shall be declared elected. If no candidate have a majority of electors voting when the

first and second choices shall have been added, then the votes cast in the third column for other choices shall be added together in like manner, and the candidate then having the highest number of votes shall be declared elected. An immediate report of election shall be declared.

"Three directors belonging to class C shall be appointed directly by the Federal reserve board, and shall have been for at least two years residents of the district for which they are appointed, one of whom shall be designated by said board as chairman of the board of directors of the Federal reserve bank of the district to which he is appointed and shall be designated by said board as 'Federal reserve agent.' He shall be a person of tested banking experience; and in addition to his duties as chairman of the board of directors of the Federal reserve bank of the district to which he is appointed, he shall be required to maintain under regulations to be established by the Federal reserve board a local office of said board, which shall be situated on the premises of the Federal reserve bank of the district. He shall make regular reports to the Federal reserve board, and shall act as its official representative for the performance of the functions conferred upon it by this act. He shall receive an annual compensation to be fixed by the Federal reserve board and paid monthly by the Federal reserve bank to which he is designated. One of the directors of class C, who shall be a person of tested banking experience, shall be appointed by the Federal reserve board as deputy chairman and deputy Federal reserve agent to exercise the powers of the chairman of the board and Federal reserve agent in case of the absence or disability of his principal.

"Directors of Federal reserve banks shall receive, in addition to any compensation otherwise provided, a reasonable allowance for necessary expenses in attending meetings of their respective boards, which amount shall be paid by the respective Federal reserve banks. Any compensation that may be provided by boards of directors of Federal reserve banks for members of such boards shall be subject to review and subsequent readjustment at any time by the Federal reserve board.

"The reserve bank organization committee may, in organizing Federal reserve banks for the first time, call such meetings of bank directors in the several districts as may be necessary to carry out the purposes of this act, and may exercise the functions herein conferred upon the chairman of the board of directors of each Federal reserve bank pending the complete organization of such bank.

"At the first meeting of the full board of directors of each Federal reserve bank after organization it shall be the duty of the directors of classes A and B and C, respectively, to designate one of the members of each class whose term of office shall expire in one year from the 1st of January nearest to date of such meeting, one whose term of office shall expire at the end of two years from said date, and one whose term of office shall expire at the end of three years from said date. Thereafter every director of a Federal reserve bank chosen as hereinbefore provided shall hold office for a term of three years. Vacancies that may occur in the several classes of directors of Federal reserve banks may be filled in the manner provided for the original selection of such directors, such appointees to hold office for the unexpired terms of their predecessors.

#### " STOCK ISSUES—INCREASE AND DECREASE OF CAPITAL.

"SEC. 5. The capital stock of each Federal reserve bank shall be divided into shares of \$100 each. The outstanding capital stock shall be increased from time to time as member banks increase their capital stock and surplus or as additional banks become members, and may be decreased as member banks reduce their capital stock or surplus or cease to be members. Shares of the capital stock of Federal reserve banks owned by member banks shall not be transferable nor be hypothecable. In case a member bank increase its capital stock or surplus, it shall thereupon subscribe for an additional amount of capital stock of the Federal reserve bank of its district equal to 6 per cent of the said increase, one-half of said subscription to be paid in the manner hereinbefore provided for original subscription and one-half subject to call of the Federal reserve board. A bank applying for stock in a Federal reserve bank at any time after the organization thereof must subscribe for an amount of the capital stock of the Federal reserve bank equal to 6 per cent of the paid-up capital stock and surplus of said applicant bank, paying therefor its par value plus one-half of 1 per cent a month from the period of the last dividend. When the capital stock of any Federal reserve bank shall have been increased, either on account of the increase of capital stock of member banks or on account of the increase in the number of member banks, the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing the increase in capital stock, the amount paid in, and by whom paid. In case a member bank reduces its capital stock it shall surrender a proportionate amount of its holdings in the capital of said Federal reserve bank, and in case a member bank goes into voluntary liquidation it shall surrender all of its holdings of the capital stock of said Federal reserve bank and be released from its stock subscription not previously called. In either case the shares surrendered shall be canceled and such member bank shall receive in payment therefor, under regulations to be prescribed by the Federal reserve board, a sum equal to its cash-paid subscriptions on the shares surrendered and one-half of 1 per cent a month from the period of the last dividend, not to exceed the book value thereof, less any liability of such member bank to the Federal reserve bank.

"SEC. 6. If any member bank shall be declared insolvent and a receiver appointed therefor, the stock held by it in said Federal reserve bank shall be canceled, and all cash-paid subscriptions on said stock, with one-half of 1 per cent per month from the period of last dividend, not to exceed the book value thereof, shall be first applied to all debts of the insolvent member bank to the Federal reserve bank, and the balance, if any, shall be paid to the receiver of the insolvent bank. Whenever the capital stock of a Federal reserve bank is reduced, either on account of a reduction in capital stock of any member bank or of the liquidation or insolvency of such bank, the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing such reduction of capital stock and the amount repaid to such bank.

#### " DIVISION OF EARNINGS.

"SEC. 7. After all necessary expenses of a Federal reserve bank have been paid or provided for, the stockholders shall be entitled to receive an annual dividend of 6 per cent on the paid-in capital stock, which dividend shall be cumulative. One-half of the net earnings, after the aforesaid dividend claims have been fully met, shall be paid into a surplus fund until such fund shall amount to 40 per cent of the paid-in capital stock of such bank, and of the remaining one-half, 50 per cent shall be paid to the United States as a franchise tax, and 50 per cent shall be paid to the United States as a trustee for the benefit of depositors in all failed member banks in the United States and failed

member trust companies in the District of Columbia, the money to be kept in and losses from failures to be paid from it as a depositors' insurance fund under a division of the Treasury to be constituted and managed under such regulations as may be prescribed by the Secretary of the Treasury. Whenever the Secretary of the Treasury, out of said fund, shall pay any amounts due to depositors of failed member banks, the Secretary of the Treasury shall be subrogated to all the rights of said depositors, and in the settlement of the affairs of any such bank all dividends that would have been due to such depositors shall be paid to the Secretary of the Treasury, and the same shall be by him paid into and become a part of said depositors' insurance fund. All net earnings derived by the United States from Federal reserve banks shall, in the discretion of the Secretary, be used to supplement the gold reserve held against outstanding United States notes, or shall be applied to the reduction of the outstanding bonded indebtedness of the United States, under regulations to be prescribed by the Secretary of the Treasury. Should a Federal reserve bank be dissolved or go into liquidation, any surplus remaining, after the payment of all debts, dividend requirements as hereinbefore provided, and the par value of the stock, shall be paid to and become the property of the United States and shall be similarly applied.

"Every Federal reserve bank incorporated under the terms of this act, the capital stock and surplus therein and the income derived therefrom shall be exempt from Federal, State, and local taxation, except in respect to taxes upon real estate.

"Sec. 8. That section 5154, United States Revised Statutes, be amended to read as follows:

"Any bank incorporated by special law of any State or of the United States or organized under the general laws of any State or of the United States and having an unimpaired capital sufficient to entitle it to become a national banking association under the provisions of the existing laws may, by the vote of the shareholders owning not less than 51 per cent of the capital stock of such bank or banking association, with the approval of the Comptroller of the Currency, be converted into a national banking association, with any name approved by the Comptroller of the Currency: *Provided, however,* That said conversion shall not be in contravention of the State law. In such case the articles of association and organization certificate may be executed by a majority of the directors of the bank or banking institution, and the certificate shall declare that the owners of 51 per cent of the capital stock have authorized the directors to make such certificate and to change or convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and the organization certificate, shall have power to execute all other papers and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be directors of the association until others are elected or appointed in accordance with the provisions of the statutes of the United States. When the comptroller has given to such bank or banking association a certificate that the provisions of this act have been complied with, such bank or banking association, and all its stockholders, officers, and employees, shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by the Federal reserve act and by the national banking act for associations originally organized as national banking associations."

"STATE BANKS AS MEMBERS.

"Sec. 9. Any bank incorporated by special law of any State, or organized under the general laws of any State or of the United States, may make application to the reserve bank organization committee, pending organization, and thereafter to the Federal reserve board for the right to subscribe to the stock of the Federal reserve bank organized or to be organized within the Federal reserve district where the applicant is located. The organization committee or the Federal reserve board, under such rules and regulations as it may prescribe, subject to the provisions of this section, may permit the applying bank to become a stockholder in the Federal reserve bank of the district in which the applying bank is located. Whenever the organization committee or the Federal reserve board shall permit the applying bank to become a stockholder in the Federal reserve bank of the district, stock shall be issued and paid for under the rules and regulations in this act provided for national banks which become stockholders in Federal reserve banks.

"The organization committee or the Federal reserve board shall establish by-laws for the general government of its conduct in acting upon applications made by the State banks and banking associations and trust companies for stock ownership in Federal reserve banks. Such by-laws shall require applying banks not organized under Federal law to comply with the reserve and capital requirements and to submit to the examination and regulations prescribed by the organization committee or by the Federal reserve board. No applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated, under the provisions of the national banking act.

"Any bank becoming a member of a Federal reserve bank under the provisions of this section shall, in addition to the regulations and restrictions hereinbefore provided, be required to conform to the provisions of law imposed on the national banks respecting the limitation of liability which may be incurred by any person, firm, or corporation to such banks, the prohibition against making purchase of or loans on stock of such banks, and the withdrawal or impairment of capital, or the payment of unearned dividends, and to such rules and regulations as the Federal reserve board may, in pursuance thereof, prescribe.

"Such banks, and the officers, agents, and employees thereof, shall also be subject to the provisions of and to the penalties prescribed by sections 5198, 5200, 5201, 5208, and 5209 of the Revised Statutes. The member banks shall also be required to make reports of the conditions and of the payments of dividends to the comptroller, as provided in sections 5211 and 5212 of the Revised Statutes, and shall be subject to the penalties prescribed by section 5213 for the failure to make such report.

"If at any time it shall appear to the Federal reserve board that a banking association or trust company organized under the laws of any State or of the United States and having become a member bank has failed to comply with the provisions of this section or the regulations of the Federal reserve board, it shall be within the power of the said board, after hearing, to require such banking association or trust company to surrender its stock in the Federal reserve bank; upon such surrender the Federal reserve bank shall pay the cash-paid subscriptions to the said stock with interest at the rate of one-half of 1 per cent per month, computed from the last dividend, if earned, not

to exceed the book value thereof, less any liability to said Federal reserve bank, except the subscription liability not previously called, which shall be canceled, and said Federal reserve bank shall, upon notice from the Federal reserve board, be required to suspend said banking association or trust company from further privileges of membership, and shall within 30 days of such notice cancel and retire its stock and make payment therefor in the manner herein provided. The Federal reserve board may restore membership upon due proof of compliance with the conditions imposed by this section.

"FEDERAL RESERVE BOARD.

"SEC. 10. A Federal reserve board is hereby created, which shall consist of seven members, including the Secretary of the Treasury, who shall be a member ex officio, and six members appointed by the President of the United States, by and with the advice and consent of the Senate. In selecting the six appointive members of the Federal reserve board, not more than one of whom shall be selected from any one Federal reserve district, the President shall have due regard to a fair representation of the different geographical divisions of the country. The six members of the Federal reserve board appointed by the President and confirmed as aforesaid shall devote their entire time to the business of the Federal reserve board and shall each receive an annual salary of \$12,000, together with actual necessary traveling expenses. The members of said board, the Secretary of the Treasury, the Assistant Secretary of the Treasury, and the Comptroller of the Currency shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment conferred by any member bank. Of the six members thus appointed by the President at least two shall be persons experienced in banking or finance. One shall be designated by the President to serve for one, one for two, one for three, one for four, one for five, and one for six years, and thereafter each member so appointed shall serve for a term of six years unless sooner removed for cause by the President. Of the six persons thus appointed, one shall be designated by the President as governor and one as vice governor of the Federal reserve board. The governor of the Federal reserve board, subject to its supervision, shall be the active executive officer. The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal reserve board. Each member of the Federal reserve board shall within 15 days after notice of appointment make and subscribe to the oath of office.

"The Federal reserve board shall have power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding half year.

"The first meeting of the Federal reserve board shall be held in Washington, D. C., as soon as may be after the passage of this act, at a date to be fixed by the reserve bank organization committee. The Secretary of the Treasury shall be ex officio chairman of the Federal reserve board. No member of the Federal reserve board shall be an officer or director of any bank, banking institution, trust company, or Federal reserve bank nor hold stock in any bank, banking institution, or trust company; and before entering upon his duties as a member of the Federal reserve board he shall certify under oath to the Secretary of the Treasury that he has complied with this requirement. Whenever a vacancy shall occur, other than by expiration of term, among the six members of the Federal reserve board appointed by the President, as above provided, a successor shall be appointed by the President, with the advice and consent of the Senate, to fill such vacancy, and when appointed he shall hold office for the unexpired term of the member whose place he is selected to fill.

"The President shall have power to fill all vacancies that may happen on the Federal reserve board during the recess of the Senate by granting commissions which shall expire at the end of the next session of the Senate.

"Nothing in this act contained shall be construed as taking away any powers heretofore vested by law in the Secretary of the Treasury which relate to the supervision, management, and control of the Treasury Department and bureaus under such department, and wherever any power vested by this act in the Federal reserve board or the Federal reserve agent appears to conflict with the powers of the Secretary of the Treasury, such powers shall be exercised subject to the supervision and control of the Secretary.

"The Federal reserve board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

"Section 324 of the Revised Statutes of the United States shall be amended so as to read as follows: 'There shall be in the Department of the Treasury a bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of national currency secured by United States bonds and, under the general supervision of the Federal reserve board, of all Federal reserve notes, the chief officer of which bureau shall be called the Comptroller of the Currency and shall perform his duties under the general directions of the Secretary of the Treasury.'

"Sec. 11. The Federal reserve board shall be authorized and empowered:

"(a) To examine at its discretion the accounts, books, and affairs of each Federal reserve bank and of each member bank and to require such statements and reports as it may deem necessary. The said board shall publish once each week a statement showing the condition of each Federal reserve bank and a consolidated statement for all Federal reserve banks. Such statements shall show in detail the assets and liabilities of the Federal reserve banks, single and combined, and shall furnish full information regarding the character of the money held as reserve and the amount, nature, and maturities of the paper and other investments owned or held by Federal reserve banks.

"(b) To permit or require Federal reserve banks to rediscount the discounted paper of other Federal reserve banks at rates of interest to be fixed each week or oftener by the Federal reserve board.

"(c) To suspend for a period not exceeding 30 days, and from time to time to renew such suspension for periods not exceeding 15 days, any reserve requirement specified in this act: *Provided,* That it shall establish a graduated tax upon the amounts by which the reserve requirements of this act may be permitted to fall below the level hereinafter specified: *And provided further,* That when the gold reserve held against Federal reserve notes falls below 40 per cent, the Federal reserve board shall establish a graduated tax of not more than 1 per cent upon such deficiency until the reserves fall to 32½ per cent, and when said reserve falls below 32½ per cent a tax at the rate increasingly of not less than 1½ per cent upon each 2½ per cent or

fraction thereof that such reserve falls below 32½ per cent. The tax shall be paid by the reserve bank, but the reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Federal reserve board.

"(d) To supervise and regulate through the bureau under the charge of the Comptroller of the Currency the issue and retirement of Federal reserve notes, and to prescribe rules and regulations under which such notes may be delivered by the comptroller to the Federal reserve agents applying therefor.

"(e) To add to the number of cities classified as reserve and central reserve cities under existing law in which national banking associations are subject to the reserve requirements set forth in section 20 of this act; or to reclassify existing reserve and central reserve cities or to terminate their designation as such.

"(f) To suspend or remove any officer or director of any Federal reserve bank, the cause of such removal to be forthwith communicated in writing by the Federal reserve board to the removed officer or director and to said bank.

"(g) To require the writing off of doubtful or worthless assets upon the books and balance sheets of Federal reserve banks.

"(h) To suspend, for cause relating to violation of any of the provisions of this act, the operations of any Federal reserve bank and take possession thereof and administer the same during the period of suspension.

"(i) To require bonds of Federal reserve agents, perform the duties, functions, or services specified or implied in this act, and to make all rules and regulations necessary to enable said board effectively to perform the same.

"(j) To exercise general supervision over said Federal reserve banks.

"(k) To authorize member banks to use, as reserves, Federal reserve notes, or bank notes based on United States bonds, to the extent that said board may find necessary.

"(l) To grant by special permit to national banks applying therefor, when not in contravention of State or local law, the right to act as trustee, executor, administrator, or registrar of stocks and bonds under such rules and regulations as the said board may prescribe.

"(m) To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to properly conduct the business of such board and to accomplish the purposes of this act. All salaries, allowances, and expenses of those employed to be fixed in advance by said board and to be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees to be appointed without regard to the provisions of the act of January 6, 1883 (22 R. S., 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

#### " FEDERAL ADVISORY COUNCIL.

"SEC. 12. There is hereby created a Federal advisory council, which shall consist of as many members as there are Federal reserve districts. Each Federal reserve bank by its board of directors shall annually select from its own Federal reserve district one member of said council, who shall receive such compensation and allowances as may be fixed by his board of directors subject to the approval of the Federal reserve board. The meetings of said advisory council shall be held at Washington, D. C., at least four times each year, and oftener if called by the Federal reserve board. The council may, in addition to the meetings above provided for, hold such other meetings in Washington, D. C., or elsewhere, as it may deem necessary, may select its own officers and adopt its own methods of procedure; and a majority of its members shall constitute a quorum for the transaction of business. Vacancies in the council shall be filled by the respective reserve banks, and members selected to fill vacancies shall serve for the unexpired term.

"The Federal advisory council shall have power, by itself or through its officers, (1) to confer directly with the Federal reserve board on general business conditions; (2) to make oral or written representations concerning matters within the jurisdiction of said board; (3) to call for information and to make recommendations in regard to discount rates, rediscount business, note issues, reserve conditions in the various districts, the purchase and sale of gold or securities by reserve banks, open-market operations by said banks, and the general affairs of the reserve banking system.

#### " POWERS OF FEDERAL RESERVE BANKS.

"SEC. 13. Any Federal reserve bank may receive from any of its member banks, and from the United States, deposits of current funds in lawful money, national-bank notes, Federal reserve notes, or checks and drafts upon solvent banks of the Federal reserve system, payable upon presentation; or, solely for exchange purposes, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, or checks and drafts upon solvent member or other Federal reserve banks, payable upon presentation.

"Upon the indorsement of any of its member banks, with a waiver of demand notice and protest by such bank, any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used, for such purposes, the Federal reserve board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States. Notes, drafts, and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 90 days: *Provided*, That notes, drafts, and bills drawn or issued for agricultural purposes or based on live stock and having a maturity not exceeding six months may be discounted in an amount to be limited to a percentage of the capital of the Federal reserve bank, to be ascertained and fixed by the Federal reserve board.

"Any Federal reserve bank may discount acceptances which are based on the importation or exportation or domestic shipment of goods and which have a maturity at time of discount of not more than three months, and indorsed by at least one member bank. The amount of acceptances so discounted shall at no time exceed one-half the paid-up capital stock and surplus of the bank for which the rediscounts are made.

"The aggregate of such notes and bills bearing the signature or indorsement of any one person, company, firm, or corporation rediscounted for any one bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values.

"Any national bank may accept drafts or bills of exchange drawn upon it and growing out of transactions involving the importation, exportation, or domestic shipment of goods having not more than six months' sight to run; but no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half its paid-up capital stock and surplus.

"Section 5202 of the Revised Statutes of the United States is hereby amended so as to read as follows: No association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

"First. Notes of circulation.

"Second. Moneys deposited with or collected by the association.

"Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

"Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

"Fifth. Liabilities incurred under the provisions of this act.

"The Federal reserve board may authorize the reserve bank of the district to discount the direct obligations of member banks, secured by the pledge and deposit of satisfactory securities; but in no case shall the amount so loaned by a Federal reserve bank exceed three-fourths of the actual value of the securities so pledged.

"The rediscount by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange and acceptances shall be subject to such restrictions, limitations, and regulations as may be imposed by the Federal reserve board.

#### " OPEN-MARKET OPERATIONS.

"SEC. 14. Any Federal reserve bank may, under rules and regulations prescribed by the Federal reserve board, purchase and sell in the open market, at home or abroad, either from or to domestic or foreign banks, firms, corporations, or individuals, cable transfers and bankers' acceptances and bills of exchange of the kinds and maturities by this act made eligible for rediscount with or without the indorsement of a member bank.

"Every Federal reserve bank shall have power:

"(a) To deal in gold coin and bullion at home or abroad, to make loans thereon, exchange Federal reserve notes for gold, gold coin, or gold certificates, and to contract for loans of gold coin or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of United States bonds or other securities which Federal reserve banks are authorized to hold;

"(b) To buy and sell, at home or abroad, bonds and notes of the United States, and bills, notes, revenue bonds, and warrants with a maturity from date of purchase of not exceeding six months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, such purchases to be made in accordance with rules and regulations prescribed by the Federal reserve board;

"(c) To purchase from member banks and to sell, with or without its indorsement, bills of exchange arising out of commercial transactions, as hereinbefore defined;

"(d) To establish from time to time, subject to review and determination of the Federal reserve board, rates of discount to be charged by the Federal reserve bank for each class of paper, which shall be fixed with a view of accommodating commerce and business;

"(e) To establish accounts with other Federal reserve banks for exchange purposes and, with the consent of the Federal reserve board, to open and maintain banking accounts in foreign countries, appoint correspondents, and establish agencies in such countries wheresoever it may deem best for the purpose of purchasing, selling, and collecting bills of exchange, and to buy and sell, with or without its indorsement, through such correspondents or agencies, bills of exchange arising out of actual commercial transactions which have not more than 90 days to run and which bear the signature of two or more responsible parties.

#### " GOVERNMENT DEPOSITS.

"SEC. 15. The moneys held in the general fund of the Treasury, except the 5 per cent fund for the redemption of outstanding national-bank notes and the funds provided in this act for the redemption of Federal reserve notes may, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks, when required by the Secretary of the Treasury, shall act as fiscal agents of the United States; and the revenues of the Government or any part thereof may be deposited in such banks, and disbursements may be made by checks drawn against such deposits.

"No public funds of the Philippine Islands, or of the postal savings, or any Government funds, shall be deposited in the continental United States in any bank not belonging to the system established by this act: *Provided, however*, That nothing in this act shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositories.

#### " NOTE ISSUES.

"SEC. 16. Federal reserve notes, to be issued at the discretion of the Federal reserve board for the purpose of making advances to Federal reserve banks through the Federal reserve agents as hereinbefore set forth and for no other purpose, are hereby authorized. The said notes shall be obligations of the United States and shall be receivable by all national and member banks and Federal reserve banks and for all taxes, customs, and other public dues. They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, D. C., or in gold or lawful money at any Federal reserve bank.

"Any Federal reserve bank may make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes and bills accepted for rediscount under the provisions of section 13 of this act, and the Federal reserve agent shall each day notify the Federal reserve board of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal reserve board shall be authorized at any

time to call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"Every Federal reserve bank shall maintain reserves in gold or lawful money of not less than 35 per cent against its deposits and its Federal reserve notes in actual circulation, but the amount of gold in the Federal reserve bank, together with the amount deposited by it with the Treasury, shall be at least equal to 40 per cent of the Federal reserve notes issued to said bank and in actual circulation and not offset by gold or lawful money deposited with the Federal reserve agent. Notes so paid out shall bear upon their faces a distinctive letter and serial number which shall be assigned by the Federal reserve board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank they shall be promptly returned for credit or redemption to the Federal reserve bank through which they were originally issued. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and returned to the Federal reserve banks through which they were originally issued, and thereupon such Federal reserve bank shall, upon demand of the Secretary of the Treasury, reimburse such redemption fund in lawful money or, if such Federal reserve notes have been redeemed by the Treasurer in gold or gold certificates, then such funds shall be reimbursed to the extent deemed necessary by the Secretary of the Treasury in gold or gold certificates, and such Federal reserve bank shall, so long as any of its Federal reserve notes remain outstanding, maintain with the Treasurer in gold an amount sufficient in the judgment of the Secretary to provide for all redemptions to be made by the Treasurer. Federal reserve notes received by the Treasury, otherwise than for redemption, may be exchanged for gold out of the redemption fund hereinafter provided and returned to the reserve bank through which they were originally issued, or they may be returned to such bank for the credit of the United States. Federal reserve notes unfit for circulation shall be returned by the Federal reserve agents to the Comptroller of the Currency for cancellation and destruction.

"The Federal reserve board shall require each Federal reserve bank to maintain on deposit in the Treasury of the United States a sum in gold sufficient in the judgment of the Secretary of the Treasury for the redemption of the Federal reserve notes issued to such bank, but in no event less than 5 per cent; but such deposit of gold shall be counted and included as part of the 33 1/3 per cent reserve hereinbefore required. The board shall have the right, acting through the Federal reserve agent, to grant in whole or in part or to reject entirely the application of any Federal reserve bank for Federal reserve notes; but to the extent that such application may be granted the Federal reserve board shall, through its local Federal reserve agent, supply Federal reserve notes to the bank so applying, and such bank shall be charged with the amount of such notes and shall pay such rate of interest on said amount as may be established by the Federal reserve board, and the amount of such Federal reserve notes so issued to any such bank shall, upon delivery, together with such notes of such Federal reserve bank as may be issued under section 18 of this act upon security of United States 2 per cent Government bonds, become a first and paramount lien on all the assets of such bank.

"Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by depositing, with the Federal reserve agent, its Federal reserve notes, gold, gold certificates, or lawful money of the United States. Federal reserve notes so deposited shall not be reissued, except upon compliance with the conditions of an original issue.

"The Federal reserve agent shall hold such gold, gold certificates, or lawful money available exclusively for exchange for the outstanding Federal reserve notes when offered by the reserve bank of which he is a director. Upon the request of the Secretary of the Treasury the Federal reserve board shall require the Federal reserve agent to transmit so much of said gold to the Treasury of the United States as may be required for the exclusive purpose of the redemption of such notes.

"Any Federal reserve bank may at its discretion withdraw collateral deposited with the local Federal reserve agent for the protection of its Federal reserve notes deposited with it and shall at the same time substitute therefor other like collateral of equal amount with the approval of the Federal reserve agent under regulations to be prescribed by the Federal reserve board.

"In order to furnish suitable notes for circulation as Federal reserve notes, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeit and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes of the denominations of \$1, \$2, \$5, \$10, \$20, \$50, \$100 as may be required to supply the Federal reserve banks. Such notes shall be in form and tenor as directed by the Secretary of the Treasury under the provisions of this act and shall bear the distinctive numbers of the several Federal reserve banks through which they are issued.

"When such notes have been prepared, they shall be deposited in the Treasury, or in the subtreasury or mint of the United States nearest the place of business of each Federal reserve bank, and shall be held for the use of such bank subject to the order of the Comptroller of the Currency for their delivery, as provided by this act.

"The plates and dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such notes, and all other expenses incidental to their issue and retirement, shall be paid by the Federal reserve banks, and the Federal reserve board shall include in its estimate of expenses levied against the Federal reserve banks a sufficient amount to cover the expenses herein provided for.

"The examination of plates, dies, bed pieces, etc., and regulations relating to such examination of plates, dies, etc., of national-bank notes provided for in section 5174, Revised Statutes, is hereby extended to include Federal reserve notes herein provided for.

"Any appropriation heretofore made out of the general funds of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by the act of May 30, 1908, and any distinctive paper that may be on hand at the time of the passage of this act may be used in the discretion of the Secretary for the purposes of this act, and should the appropriations heretofore made be insufficient to meet the requirements of this act in addition to circulating notes provided for by existing law, the Secretary is hereby authorized to use so much of any funds in the Treasury not otherwise appropriated for the purpose of furnishing the notes aforesaid: *Provided, however,* That nothing in this section contained shall be construed as exempting national banks or Federal reserve banks from their lia-

bility to reimburse the United States for any expenses incurred in printing and issuing circulating notes.

"Every Federal reserve bank shall receive on deposit from member banks or from Federal reserve banks checks and drafts drawn upon any of its depositors, and when remitted by a Federal reserve bank, checks and drafts drawn by any depositor in any other Federal reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank. Nothing herein contained shall be construed as prohibiting a member bank from making reasonable charges for checks and drafts so debited to its account, or for collecting and remitting funds, or for exchange sold to its patrons. The Federal reserve board may, by rule, fix the charges to be collected by the member banks from its patrons whose checks are cleared through the Federal reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the Federal reserve bank.

"The Federal reserve board shall make and promulgate from time to time regulations governing the transfer of funds and charges therefor among Federal reserve banks and their branches, and may at its discretion exercise the functions of a clearing house for such Federal reserve banks, or may designate a Federal reserve bank to exercise such functions, and may also require each such bank to exercise the functions of a clearing house for its member banks.

"Sec. 17. That so much of the provisions of section 5159 of the Revised Statutes of the United States, and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes, as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds be, and the same is hereby, repealed.

"Sec. 18. Any member bank desiring to retire the whole or any part of its circulating notes may file with the Treasurer of the United States an application to sell for its account, at par and interest, United States bonds securing circulation to be retired.

"The Treasurer shall, at the end of each quarterly period, furnish the Federal reserve board with a list of such applications, and the Federal reserve board may, in its discretion, require the Federal reserve banks to purchase such bonds from the banks whose applications have been filed with the Treasurer at least 10 days before the end of any quarterly period at which the Federal reserve board may direct the purchase to be made. Upon notice from the Treasurer of the amount of bonds so sold for its account, each member bank shall duly assign and transfer, in writing, such bonds to the Federal reserve bank purchasing the same, and such Federal reserve bank shall thereupon deposit lawful money with the Treasurer of the United States for the purchase price of such bonds, and the Treasurer shall pay to the member bank selling such bonds any balance due after deducting a sufficient sum to redeem its outstanding notes secured by such bonds, which notes shall be canceled and permanently retired when redeemed.

"The Federal reserve banks purchasing such bonds shall be required to take out an amount of circulating notes equal to the amount of national-bank notes outstanding against such bonds.

"Upon the deposit with the Treasurer of the United States bonds so purchased, or any bonds with the circulating privilege acquired under section 4 of this act, any Federal reserve bank making such deposit in the manner provided by existing law shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited. Such notes shall be the obligations of the Federal reserve bank procuring same, and shall be in form prescribed by the Secretary of the Treasury, and to the same tenor and effect as national-bank notes now provided by law. They shall be issued and redeemed under the same terms and conditions as national-bank notes. United States bonds bought by a Federal reserve bank against which there are no outstanding national-bank notes may be exchanged at the Treasury for one-year gold notes bearing 3 per cent interest. In case of such exchange for one-year notes the reserve bank shall be bound to pay such notes and to receive in payment thereof new 3 per cent one-year Treasury gold notes year by year for the period of 20 years.

#### "BANK RESERVES.

"SEC. 19. Demand liabilities within the meaning of this act shall comprise all liabilities maturing or payable within 30 days, and time deposits shall comprise all deposits payable after 30 days, and all savings accounts and certificates of deposit which are subject to not less than 30 days' notice before payment.

"When the Secretary of the Treasury shall have officially announced, in such manner as he may elect, the establishment of a Federal reserve bank in any district, every subscribing member bank shall establish and maintain reserves as follows:

"(a) A bank not in a reserve or central reserve city as now or hereafter defined shall hold and maintain reserves equal to 12 per cent of the aggregate amount of its demand liabilities and 5 per cent of its time deposits, as follows:

"In its vaults for a period of 24 months after said date, four-twelfths thereof.

"In the Federal reserve bank of its district, for a period of six months after said date, two-twelfths, and for each succeeding six months an additional one-twelfth, until five-twelfths have been so deposited, which shall be the amount permanently required.

"For a period of 24 months after said date the balance of the reserves may be held in its own vaults, or in the Federal reserve bank, or in banks in reserve or central reserve cities as now defined by law.

"After said 24 months' period said reserves, other than those hereinbefore required to be held in the reserve bank, shall be held in the vaults of the member bank or in the Federal reserve bank, or in both, at its option.

"(b) A bank in a reserve city as now or hereafter defined shall hold and maintain reserves equal to 15 per cent of the aggregate amount of its demand liabilities and 5 per cent of its time deposits, as follows:

"In its vaults six-fifteenths thereof.

"In the Federal reserve bank of its district for a period of six months after the date aforesaid at least three-fifteenths, and for each succeeding six months an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

"After said 24 months' period all of said reserves, except those hereinbefore required to be held permanently in the Federal reserve bank, shall be held in its vaults or in the Federal reserve bank, or in both, at its option.

"(c) A bank in a central reserve city, as now or hereafter defined, shall hold and maintain a reserve equal to 18 per cent of the aggregate amount of its demand liabilities and 5 per cent of its time deposits, as follows:

"In its vaults six-eighths thereof.

"In the Federal reserve bank for a period of six months after the date aforesaid at least three-eighths, and permanently thereafter six-eighths.

"The balance of said reserves shall be held in its own vaults or in the Federal reserve bank, at its option.

"Any Federal reserve bank may receive from the member banks as reserves, not exceeding one-half of each installment, eligible paper, as described in section 14, properly indorsed and acceptable to the said reserve bank.

"If a State bank or trust company is required by the law of its State to keep its reserves either in its own vaults or with another State bank or trust company, such reserve deposits so kept in such State bank or trust company shall be construed, within the meaning of this section, as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the Secretary of the Treasury shall have officially announced the establishment of a Federal reserve bank in the district in which such State bank or trust company is situate. Except as thus provided no member bank shall keep on deposit with any nonmember bank a sum in excess of 10 per cent of its own paid-up capital and surplus. No member bank shall act as the medium or agent of a nonmember bank in applying for or receiving discounts from a Federal reserve bank under the provisions of this act.

"The reserve carried by a member bank with a Federal reserve bank may, under the regulations and subject to such penalties as may be prescribed by the Federal reserve board, be checked against and withdrawn by such member bank for the purpose of meeting existing liabilities: *Provided, however,* That no bank shall at any time make new loans or shall pay any dividends unless and until the total reserve required by law is fully restored.

"United States banks located in Alaska or outside the continental United States may remain nonmember banks, and shall in that event maintain reserves and comply with all the conditions now provided by law regulating them; or said banks, except in the Philippine Islands, may, with the consent of the reserve board, become member banks of any one of the reserve districts, and shall, in that event, take stock, maintain reserves, and be subject to all the other provisions of this act.

"Sec. 20. So much of sections 2 and 3 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' as provides that the fund deposited by any national banking association with the Treasurer of the United States for the redemption of its notes shall be counted as a part of its lawful reserve as provided in the act aforesaid, be, and the same is hereby, repealed. And from and after the passage of this act such fund of 5 per cent shall in no case be counted by any national banking association as a part of its lawful reserve.

#### "BANK EXAMINATIONS.

"Sec. 21. Every member bank shall be examined by the Comptroller of the Currency at least twice in each calendar year and as much oftener as the Federal reserve board shall consider necessary. The Federal reserve board may authorize examinations by the State authorities to be accepted in the case of State banks and trust companies and may at any time direct the holding of a special examination. The person making the examination of any member bank shall have power to call together a quorum of the directors of such bank, who shall, under oath, state to such examiner the character and circumstances of such of its loans or discounts as he may designate. The Federal reserve board shall fix the salaries of all bank examiners and make report thereof to Congress. The expense of the examinations herein provided for shall be assessed by authority of the Federal reserve board upon the banks examined in proportion to assets or resources held by such banks upon the dates when the various banks are examined.

"In addition to the examinations made and conducted by the Comptroller of the Currency, every Federal reserve bank may, with the approval of the Federal reserve agent or of the Federal reserve board, provide for special examination of member banks within its district. Such examination shall be so conducted as to inform the Federal reserve bank under whose auspices it is carried on of the condition of its member banks and of the lines of credit which are being extended by them. Every Federal reserve bank shall at all times furnish to the Federal reserve board such information as may be demanded by the latter concerning the condition of any member bank within the district of the said Federal reserve bank.

"No bank shall be subject to any visitatorial powers other than such as are authorized by law, or vested in the courts of justice, or such as shall be or shall have been exercised or directed by Congress, or either House thereof, or any committee thereof.

"The Federal reserve board shall, at least once each year, order an examination of each Federal reserve bank, and upon joint application of 10 member banks the Federal reserve board shall order a special examination and report of the condition of any Federal reserve bank.

"Sec. 22. No member bank or any officer, director, or employee thereof shall hereafter make any loan or grant any gratuity to any examiner of such bank. Any bank officer, director, or employee violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than \$5,000, or both; and fined a further sum equal to the money so loaned or gratuity given. Any examiner accepting a loan or gratuity from any bank examined by him or from an officer, director, or employee thereof shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than \$5,000, or both; and fined a further sum equal to the money so loaned or gratuity given; and shall forever thereafter be disqualified from holding office as a national-bank examiner. No national-bank examiner shall perform any other service for compensation while holding such office for any bank, or officer, director, or employee thereof.

"Other than the usual salary or director's fee paid to any officer, director, or employee of a member bank and other than a reasonable fee paid by said bank to such officer, director, or employee for services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank. No examiner, public or private, shall disclose the names of borrowers or the collateral for loans of a member bank to other than the proper officers of such bank without first having obtained the express permission in writing from the Comptroller of the Currency, or from the board of directors of such bank, except when ordered to do so by a court of competent jurisdiction, or by direction of the Congress of the United States, or either House thereof, or any committee thereof. Any person violating any provision of this section shall be punished by a fine of not exceeding \$5,000 or by imprisonment not exceeding one year, or both.

"Except so far as already provided in existing laws this provision shall not take effect until 60 days after the passage of this act.

"Sec. 23. The stockholders of every national banking association shall be held individually responsible for all contracts, debts, and engagements of such association, each to the amount of his stock therein, at the par value thereof, in addition to the amount invested in such stock. The stockholders in any national banking association who shall have transferred their shares or registered the transfer thereof within 60 days next before the date of the failure of such association to meet its obligations, or with knowledge of such impending failure, shall be liable to the same extent as if they had made no such transfer, to the extent that the subsequent transferee fails to meet such liability; but this provision shall not be construed to affect in any way any recourse which such shareholders might otherwise have against those in whose names such shares are registered at the time of such failure.

#### "LOANS ON FARM LANDS.

"Sec. 24. Any national banking association not situated in a central reserve city may make loans secured by improved and unencumbered farm land, situated within its Federal reserve district, but no such loan shall be made for a longer time than five years, nor for an amount exceeding 50 per cent of the actual value of the property offered as security. Any such bank may make such loans in an aggregate sum equal to 25 per cent of its capital and surplus, or to one-third of its time deposits, and such banks may continue hereafter as heretofore to receive time deposits and to pay interest on the same.

"The Federal reserve board shall have power from time to time to add to the list of cities in which national banks shall not be permitted to make loans secured upon real estate in the manner described in this section.

#### "FOREIGN BRANCHES.

"Sec. 25. Any national banking association possessing a capital and surplus of \$1,000,000 or more may file application with the Federal reserve board, upon such conditions and under such regulations as may be prescribed by the said board, for the purpose of securing authority to establish branches in foreign countries or dependencies of the United States for the furtherance of the foreign commerce of the United States and to act, if required to do so, as fiscal agents of the United States. Such application shall specify, in addition to the name and capital of the banking association filing it, the place or places where the banking operations proposed are to be carried on and the amount of capital set aside by the said banking association filing such application for the conduct of its foreign business at the branches proposed by it to be established in such place or places. The Federal reserve board shall have power to approve or to reject such application if, in its judgment, the amount of capital proposed to be set aside for the conduct of foreign business is inadequate or if for other reasons the granting of such application is deemed inexpedient.

"Every national banking association which shall receive authority to establish foreign branches shall be required at all times to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and the Federal reserve board may order special examinations of the said foreign branches at such time or times as it may deem best. Every such national banking association shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accruing at each branch as a separate item.

"Sec. 26. All provisions of law inconsistent with or superseded by any of the provisions of this act are to that extent and to that extent only hereby repealed. Nothing in this act contained shall be construed to repeal the parity provision or provisions contained in an act approved March 14, 1900, entitled 'An act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes,' and the Secretary of the Treasury may for such purposes, or to strengthen the gold reserve, borrow gold on the security of United States bonds or for one-year notes bearing interest at a rate of not to exceed 3 per cent per annum, or sell the same if necessary to obtain gold. When the funds of the Treasury on hand justify, he may purchase and retire such outstanding bonds and notes.

"Sec. 27. The provisions of the act of May 30, 1908, authorizing national currency associations, the issue of additional national-bank circulation, and creating a National Monetary Commission, which expires by limitation under the terms of such act on the 30th day of June, 1914, are hereby extended to June 30, 1915, and sections 5153, 5172, 5191, and 5214 of the Revised Statutes of the United States, which were amended by the act of May 20, 1908, are hereby reenacted to read as such sections read prior to May 20, 1908, subject to such amendments or modifications as are prescribed in this act: *Provided, however,* That section 9 of said act is hereby amended so as to change so much of the tax rates fixed in said section by making the portion applicable thereto read as follows:

"National banking associations having circulating notes secured otherwise than by bonds of the United States, shall pay for the first three months a tax at the rate of 3 per cent per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax rate of one-half of 1 per cent per annum for each month until a tax of 6 per cent per annum is reached, and thereafter such tax of 6 per cent per annum upon the average amount of such notes."

"Sec. 28. Section 5143 of the Revised Statutes is hereby amended and reenacted to read as follows: 'Any association formed under this title may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this title to authorize the formation of associations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and such reduction has been approved by the said Comptroller of the Currency and by the Federal reserve board, or by the organization committee pending the organization of the Federal reserve board.'

"Sec. 29. If any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"Sec. 30. The right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the motion of the gentleman from Oklahoma [Mr. MURRAY], which will allow 20 minutes' debate on each side.

The SPEAKER. The gentleman from Alabama moves the previous question on the motion of the gentleman from Oklahoma to concur in the Senate amendment.

Mr. WINGO. Mr. Speaker, is it not now preferential to move to concur with an amendment?

The SPEAKER. Not while the previous question is pending.

Mr. MANN. Mr. Speaker, the gentleman would have authority to make a preferential motion if he was entitled to the floor. Of course he would not—

The SPEAKER. As a matter of fact, as a technical ruling, he is not entitled to the floor.

Mr. MANN. I do not say anything about that.

The SPEAKER. The gentleman from Alabama was recognized to make his motion, and made it, and the Chair was starting to put it. Those in favor of ordering the previous question will say "aye"; those opposed, "no."

The question was taken, and the previous question was ordered.

Mr. WINGO. Mr. Speaker, I desire to make a preferential motion. I move to concur in the Senate amendment with an amendment—

Mr. UNDERWOOD. Mr. Speaker, the previous question having been ordered—

The SPEAKER. The previous question having been ordered, it cuts out the gentleman's motion.

Mr. WINGO. Does it cut out a preferential motion?

The SPEAKER. The previous question cuts out everything except 40 minutes' debate.

Mr. WINGO. If the Chair will permit, that was my object in asking before you put the question. I understood that the previous question would bar—

The SPEAKER. The gentleman from Arkansas waited, of course unintentionally, but nevertheless it is a fact that he waited, until the gentleman from Alabama [Mr. UNDERWOOD] had been recognized to move the previous question, and the Chair was starting to put it. The previous question can not be dislocated.

Mr. WINGO. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WINGO. Is it in order to make a preferential motion at any time until the House has ordered the previous question?

The SPEAKER. But the previous question has been ordered.

Mr. WINGO. I know; but that was the question. I rose at the proper time, and I simply want to be straight on the record. I do not think I should have been cut out of making my motion.

The SPEAKER. The situation is this: The gentleman from Alabama rose and addressed the Chair, and the Chair recognized him. A number of gentlemen were standing up, including the gentleman from Arkansas. The Chair recognized the gentleman from Alabama because he addressed the Chair, and the Chair had started to put the motion for the previous question when the gentleman from Arkansas [Mr. WINGO] made the parliamentary inquiry.

Mr. WINGO. Another parliamentary inquiry, Mr. Speaker. I could not interrupt the gentleman from Alabama while he was making the motion. I was endeavoring to get the floor, and as soon as the gentleman had concluded his motion I was given recognition, made a parliamentary inquiry, and the Speaker ruled then, as he now admits, incorrectly. He ruled then that I could not make the motion then.

The SPEAKER. Well, the Chair rules that now, because the previous question is a summary proceeding that is intended to get the bill along to another stage. Now, if the House should vote down this motion to concur, the gentleman might get what he wants by moving to instruct the conferees.

Mr. WINGO. The gentleman from Arkansas was aware that a motion to concur with an amendment was in order pending the previous question being ordered, and that was the reason he rose in the first instance.

Mr. UNDERWOOD. Mr. Speaker—

The SPEAKER. The gentleman from Alabama or the gentleman from Virginia [Mr. GLASS] is entitled to 20 minutes—

Mr. MANN. How does the gentleman from Alabama get 20 minutes?

Mr. UNDERWOOD. I think the gentleman from Virginia is entitled to 20 minutes.

The SPEAKER. The Chair thinks so, too.

Mr. MURRAY of Oklahoma. I desire to claim the floor under this motion.

Mr. HARDWICK. The gentleman is the mover of the proposition.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] is entitled to 20 minutes and the gentleman from Oklahoma [Mr. MURRAY] is entitled to 20 minutes, and they may arrange as they please how the time shall be occupied.

Mr. HARDWICK. I think the mover of the proposition has the opening.

The SPEAKER. He has it if he wants it.

Mr. HARDWICK. Does the gentleman claim it?

The SPEAKER. The Chair did not understand that he was claiming the floor for debate. The Chair understood that he was claiming to control the 20 minutes. The Chair will recognize the gentleman from Oklahoma. It is his motion.

Mr. MURRAY of Oklahoma. Mr. Speaker, I do not intend to occupy all of the 20 minutes, but to give some other gentlemen an opportunity to speak.

I want to say in the beginning that it is easy to be courteous. It is sometimes difficult to do our duty. Courtesy would have dictated permitting the gentleman from Virginia to make his motion, and to make up the committee of conference; but when the gentleman from Virginia [Mr. GLASS] said, after being questioned by three or four gentlemen, that he could not tell when an agreement would be reached, because there were "serious differences," in view of that statement and of the action of the gentleman in the House and in the caucus, when it seemed he was afraid of an amendment being made in the caucus by a Democrat, I am unwilling to be so courteous as to overlook my obligation and duty.

There is no doubt in my mind but what every amendment placed in this bill by the Senate makes the bill better than it was when it left the House. There is one that is wholesome from one standpoint, but under a principle of commercial banking might have been left out, and that is in the matter of loaning money on real estate for so long as five years. But it will be wholesome if it be made a basis of currency, and I do not see why it should not, along with other securities.

There is a proviso wherein the Treasurer may deposit funds in member banks. Outside of this it is clear to my mind that every provision is in the interest of the people, particularly the one, so far as it goes, in making up the board, and the other as to the loans upon farms and cattle, the only prime paper of the South and West. The board eliminates all officers except the treasurer, and, in my opinion, that is a very wise provision. There are limitations on the board going toward an effort to hedge any political movement in the board, and that is of vital importance.

On the question of credit to agriculture, it has extended the time to six months in lieu of three months, with specific language, plainer and clearer than the bill contained when it left the House.

I want to say to the gentlemen from the South and West who represent a constituency whose prime paper is made up of this class of security that now is your only opportunity to secure it. I can not understand how you, voting for "courtesy," can afford to jeopardize that interest of your constituents, if the conferees were to come back limiting that period and cut off that security, being met with the argument—and that is a sound argument—that the people expect the passage of this bill immediately. When it comes back we will be confronted with the necessity of a holiday recess, with the argument that the people expect this bill to pass.

I may say, Mr. Speaker, that the bankers of the country for months have not known where they will be placed. They naturally hoard their funds, naturally hedge against evil tendencies and contingencies that might arise, and, in some instances, from purely selfish motives. When this bill comes back they will know where they will be, and it will make it easier for money in the country. We might continue indefinitely the consideration of this bill, and I think it would make it a better bill, but in the meantime we might create one or two more of the panics created the other day by the gentleman from Illinois, and, then, those panics might become real. I want to say that that argument ought to apply now that the people expect the passage of this bill.

The Members of the South and West, and Members of those districts that are agricultural districts, have an opportunity to get what they fought for, what their people expect they should get; but if this goes back you have not that assurance, because the gentleman from Virginia [Mr. GLASS], as you are well aware, fought that provision in the caucus and on the floor of this House. I do not claim or intimate that the gentleman from Virginia is less earnest or less honest about this question than I. The fact that he is honest makes it more necessary for honest men differing with him to stand by our position. If the gentleman from Virginia had some other motive, he would likely yield

to the Senate conferees, especially if he was trying to please some one. But having a different view, I say to these gentlemen representing that class of constituency, in the interest not only of the farmer but in the interest of the bankers of that section, that now is your opportunity, and I warn you if you lose that opportunity you have yourself to blame. I repeat again, courtesy is easy but duty is hard to perform, and between duty and courtesy, between obligation and organization, and between committee report on one side and the interest of the people of this country on the other there ought not to be any hesitation as to where your vote will be cast. [Applause.]

I might enumerate many provisions in these amendments where the wording is made plainer and where every section is more in the interest of the people. Now, I apprehend that some will say that the number of regional reserve banks have been reduced. It is true the Senate amendment says that there shall be not less than 8 nor more than 12, leaving it with the board, which I think is wise. It might prove in the end that we were unable to organize more than 8, and so it is wiser than to fix the number at 12. And even from that standpoint it is better. Now, other gentlemen may desire to discuss this question, and I will reserve the balance of my time.

The SPEAKER. The gentleman reserves 11 minutes.

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

Mr. MURRAY of Oklahoma. For a question.

Mr. RUBEY. What provision, if any, is there in this bill for the retirement of national-bank notes?

Mr. MURRAY of Oklahoma. There is a provision for that, but I can not tell the gentleman just where to find it.

Mr. RUBEY. Is the gentleman willing to vote for an amendment that he does not know what it contains?

Mr. MURRAY of Oklahoma. I understand what it is and what it contains, but I do not know just the section and page now.

Mr. GLASS. Mr. Speaker, the chairman of the Banking and Currency Committee of the House does not ask nor desire that any Member shall vote on this question through considerations of courtesy to him. I do ask, however, that the House shall send this bill to conference. I ask it for the reason that it would be a grave error to concur in the Senate amendment, involving many changes in the bill as passed by the House, and expressing its deliberate judgment.

In the first place, I do not believe that the bill as returned from the Senate would be a workable law. It contains some crudities and contradictions which should be corrected. I shall not take the time of the House to point out these inconsistencies, but will simply mention one or two. In the first place, the amendment of the Senate, as I last read it, provides that the directors of class B of the regional reserve banks shall not be officials, directors, employees, or stockholders of member banks; and yet further provides that the directors of class B shall be selected from the same list of electors as directors of class A—a list composed exclusively, as was intended, of bank directors. How could that be made to operate? Directors of class B of the regional reserve banks are required to represent peculiarly the banking interests.

Mr. MURRAY of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GLASS. I have only a few moments, and do not desire to yield at this time.

Mr. MURRAY of Oklahoma. Will the gentleman yield to a correction?

Mr. GLASS. No; I do not care to yield. I am sure that I am right and have made no misstatement of the facts. Then, again, this House, and the Democratic caucus also, vehemently insisted on a definite policy of constituting these regional reserve banks the fiscal agents of the Government, and requiring that the Government funds should be deposited in these banks under restrictions requiring that there should be a fair distribution of them in the various sections of the country. Under the Senate amendment all of that is altered and the Secretary of the Treasury is made the sole custodian, in his discretion, of these funds, and may continue to deposit these funds or not, as he pleases.

The House, after full discussion, decided that we would not embark on that uncertain and reckless proposition of permitting 7,500 national banks and, it may be, 18,000 State banks, scattered all over the country, to engage in the acceptance business—that is to say, in business involving contingent liabilities—without one dollar of reserve behind them as a safeguard. That is one of the provisions of the Senate amendment. Banker after banker who came before our committee warned us against that sort of thing, and Sir Edmund Walker, head of the Canadian banking system, who was at one time a banker in this country, familiar with banking operations here and abroad,

deliberately testified before our committee that such a thing might involve frightful consequences to the banking institutions of this country. That involves nobody knows how great an expansion of credit.

Then the reserve section of the bill has been radically altered, so that under the Senate amendment the cash reserve in member banks required under existing law amounts to more than both the cash reserve and the credit reserve balances of the country. The required cash reserve in member banks has been so reduced as to practically amount to no reserve at all. Is the House willing to approve that? Within six months after the passage of this bill there would be a veritable saturnalia of inflation in the country.

Under the Senate amendment you can never have more than 12 regional reserve banks without amending the law, no matter what the necessity might develop. Under the Senate amendment the reserve board can readjust the districts as it may please, without any sort of restriction, whereas the House bill provides that this could not be done except under certain restrictions. The House bill also provides that no Federal reserve bank shall be abolished without the assent of a certain number of banks in the district. That safeguard is swept aside.

Under the Senate amendment the distribution of earnings is entirely changed so as to provide, not a guaranty of bank deposits as some Members of this House have been misled to believe, but to provide a mere pretense of an insurance of deposits, for which purpose the Senate amendment appropriates the profits of the Government instead of taxing the banks themselves, if such a scheme is to be embarked upon at all. A colleague awhile ago propounded a question to the Member from Oklahoma asking the latter to point to the provision of the Senate amendment providing for the retirement of the bond-secured national-bank currency. There is no such provision. The Senate amendment provides for an interminable perpetuation of the bond-secured currency. We have complained for 50 years of the inflexibility of this currency. Bankers, business men, textbook writers, currency experts, uniformly and concurrently agree that we ought ultimately to retire, without disturbance or shock, this bond-secured currency; and yet the Senate amendment extends its existence interminably. Not only that, but it requires the regional reserve banks to purchase a given amount of United States 2 per cent bonds annually, against which, whether currency be needed for business purposes or not, notes shall be issued. No banking discretion remains. We may have a redundancy of currency; there may not be one particle of business necessity for the issuance of more, but rather a need of retirement. Yet under this Senate amendment banks are required to issue.

I see my time is rapidly expiring, and as other gentlemen want to talk I am able to indicate only a few of the many objections to this Senate amendment. The fact is that the gentleman who moved to concur does not know what this Senate amendment contains. The print was handed to me only one hour before the motion was made on this floor to concur, and although I have undertaken as best I could to keep up with the amendments of the Senate, frankly I do not know what they are. I know there are some things in that ought not to be in.

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

Mr. GLASS. For a question.

Mr. MURDOCK. In view of what the gentleman has just said, does not the gentleman think it would have been fair to the House not to have moved the previous question, but to have had this question discussed and let other Members of the House know what is in the bill and not—

Mr. GLASS. I can not yield for a discussion of procedure. I am talking of substantive things and not about parliamentary procedure.

Mr. MURDOCK. But parliamentary procedure is vital.

The SPEAKER. The gentleman from Virginia declines to yield.

Mr. GLASS. Something has been said about the number of conferees. Of this I want to say that the chairman of the Banking and Currency Committee up to half past 6 o'clock on yesterday evening was led to believe that there would be but three conferees on the part of the Senate. In view of that fact I took the three ranking members of the Banking and Currency Committee of the House, assuming that they would be named as conferees, and with them went over this bill as far as we could, fixing tentatively in our own minds, with the information at hand, for what things we think the House would stand and to what it would object, so we might go into the conference and dispatch the business of the conference with facility, in order that Members of the House may go home.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield?

Mr. GLASS. I have only a few minutes, but I do not care to be discourteous to my friend. I will yield.

Mr. GARRETT of Texas. We who come from the agricultural part of the United States and the stock-raising part are vitally interested in the proviso on page 85 of the bill, between lines 13 and 19—

Mr. GLASS. May I anticipate the gentleman's question, in order to save time, and say to him frankly I think the gentlemen who I assume will be the conferees on the part of the House have not reached that section, have not discussed that particular amendment to the bill; but, I assure my friend, if we conclude that it is the judgment of the House that the provisions to which he refers should remain the House conferees will yield. But, Mr. Speaker, I do not think it is fair to ask the chairman of the Banking and Currency Committee now as to these details concerning the things he will assent to or stand against.

Mr. GARRETT of Texas. Mr. Speaker, I want to ask the gentleman also in regard to the 12-months section. If we can not inquire what is going to happen if these conferees are to be appointed and have some information from them on this question, which is very vital to our part of the country, we will be compelled to vote to concur in the Senate amendment.

Mr. GLASS. Well, Mr. Speaker, I can not undertake to indicate to this House now what the conferees will do. I do not think it would be proper, because I do not know myself.

Mr. GARRETT of Texas. Mr. Speaker, I will ask the gentleman if he would recede upon those two sections of the bill?

Mr. GLASS. I will not agree in advance as to any line of action. I want to represent the judgment of the House and not any particular faction or interest in the House.

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

The SPEAKER. The gentleman from Virginia has six minutes left.

Mr. MURRAY of Oklahoma. I desire to recognize the gentleman from Illinois [Mr. WILLIAMS] for half a minute.

Mr. WILLIAMS. Mr. Speaker, I do not care to occupy the time of the House. I will say I want to put a quietus on the howl of the calamity howlers in the shortest possible way.

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

Mr. MANN. Mr. Speaker, unless some general arrangement is made I shall object to gentlemen taking a minute and then extending remarks in the RECORD. I object.

Mr. MURRAY of Oklahoma. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. NEELEY].

Mr. NEELEY of Kansas. Mr. Speaker, there are three propositions in this bill that Members of this House representing agricultural constituencies particularly are very much concerned about, and these same Members are exceedingly interested to know what the conferees propose to do if they get a chance to do it.

When we were in the committee we discussed the insurance of bank deposits, the discount of agricultural paper, and the authorization of farm loans by national banks. I found that when the gentleman from Arkansas [Mr. WINGO] offered his bank-deposit guaranty scheme it was received with cold indifference and voted down upon the final vote, without any discussion or consideration whatever, and later the caucus sustained that action. The bill now comes from the Senate with the groundwork laid for this most commendable and feasible plan. I want to know what the conferees propose to do with this. The original bill provided a miserable makeshift of a 45-day discount for agricultural paper, and that was the thing that provoked a caucus of the majority side of this House, lasting one day less than three weeks, with the result that those of us who believe in a square deal for the farming interests of the country were finally able to force an amendment to the bill extending the period to 90 days. I want to know what this proposed conference committee, who fought us both in committee and in the caucus, proposes to do with this most commendable six months' extension placed in this bill in the Senate, with relation to agricultural paper? [Applause.] When we were in committee an amendment was offered by the gentleman from South Carolina [Mr. RAGSDALE] designed to accomplish the very purpose accomplished by this Senate amendment, and the expression upon the faces of some of the members of that committee were as uncomplimentary to him when he offered the amendment as was the vote when it was taken. I offered an amendment in that committee also, to extend the time for farm paper from nine months to five years. It was voted down, as was every variation thereof; and upon the floor of the Democratic caucus, joined with the agricultural credit fight, we were finally able to extend the time from nine months to one year. And these three things, responsive to a just demand upon the part

of the country and opposed by a majority of the House Banking and Currency Committee, have all been placed in the bill by the Senate; and I, representing an agricultural constituency, desire to be advised what this conference committee proposes to do with these propositions before I vote to give them a chance to put them out forever. There is another proposition involved here. I suspect that the chairman of the committee is as susceptible to mistakes as are other gentlemen. On page 62, in discussing class A membership, you will find it says:

Class A shall consist of three members, who shall be chosen by and be representative of the stock-holding banks.

They are not to be members of the stock-holding banks, as he says, but representative of them. So that when he made the statement that class B stock was absolutely inconsistent he was mistaken.

Mr. GLASS. Will the gentleman permit an interruption?

Mr. NEELEY of Kansas. I will.

Mr. GLASS. If he will read the bill further, he will see that the directors of class A must be selected from a list of bank directors.

Mr. NEELEY of Kansas. Very well. We will take that matter up when we get to it.

The SPEAKER. The time of the gentleman from Kansas [Mr. NEELEY] has expired. The gentleman from Virginia [Mr. GLASS] has six minutes and the gentleman from Oklahoma [Mr. MURRAY] six and one-half minutes remaining. [Cries of "Vote!" "Vote!"]

The SPEAKER. If nobody else wishes to speak, the Chair will put the motion. [Cries of "Vote!" "Vote!"] The House will be in order.

Mr. MURRAY of Oklahoma. Mr. Speaker, being in the affirmative, we would like to close, and I would like the gentleman from Virginia to consume the balance of his time.

Mr. GLASS. Mr. Speaker, I am ready to vote.

Mr. FITZGERALD. The gentleman from Virginia is in charge of the bill and is entitled to close.

Mr. MURRAY of Oklahoma. Mr. Speaker, I yield the remainder of my time to the gentleman from Georgia [Mr. HARDWICK]. I understand the gentleman from Virginia [Mr. GLASS] has yielded the balance of his time.

Mr. GLASS. I do not yield my time. I simply mean to make the suggestion, Mr. Speaker, that if it is agreeable to the gentleman from Oklahoma [Mr. MURRAY], I am willing the vote should be taken. Of course, if he wishes to consume more time to speak, I am willing.

Mr. UNDERWOOD rose.

The SPEAKER. The gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I desire to suggest to the gentleman from Oklahoma [Mr. MURRAY] that the gentleman from Virginia, being in charge of the bill, according to the practice and customs of the House for a long time, is entitled to close.

Mr. MURRAY of Oklahoma. No; that is not the practice and custom of the House. The gentleman from Virginia is not in charge of this motion.

Mr. UNDERWOOD. But he is in charge of the bill, and the custom of the House is that the gentleman in charge of the bill shall have the privilege of closing.

Mr. MURRAY of Oklahoma. No. He is not the mover of this motion, and the practice the gentleman refers to is not applicable in this case.

Mr. MANN. Oh, yes, it is. It is always true.

Mr. HARDWICK rose.

The SPEAKER. The gentleman from Georgia.

Mr. HARDWICK. Mr. Speaker and gentlemen of the House, it seems to me we ought not to have any great difficulty in voting on this question. Certainly I have none, so far as I am concerned.

If it be true that the country awaits this bill; if it be true that business stagnates because of the delay in its passage; if it be true that the President of the United States is awaiting with eagerness its arrival at the White House, why should we not pass it by the quickest and most direct route? [Applause.]

Why wait, why hesitate, why pause, if we believe, as a majority of the Members on this side believe, and as no man has yet disputed, that the Senate amendments are a vast improvement on the bill as it was passed by the House? Why should we not now and here enact this legislation, upon which business awaits? [Applause.]

Now, the gentleman from Kansas [Mr. NEELEY] called attention to the several substantive propositions—and they are the only real fundamental substantive things that are involved in this issue—in which the Senate bill is a vast improvement over the bill that passed this House. In the first place, we fought with might and main—those of us who come from the agricul-

tural and rural sections of this country, both from the South and from the West—for more liberal treatment of our agricultural paper. And what was the most we could force from the unwilling management in our own party in a Democratic caucus and in a Democratic House? Ninety days. The Senate has given us six months—twice as much as we gave ourselves. Why do we hesitate? [Applause.] We fought on long-time paper for one year, and we finally got it after much labor and travail. The Senate gives us five years on our long-time loans. [Applause.]

Why do we wait? How will a Representative from one of the Southern or one of the Western States be able to defend his vote before his people at home when he votes to oppose the adoption of this bill with the Senate amendments? My friends, if you vote against adopting the Senate amendments, it will not be a sufficient answer for you when you are attacked at home to say that the practice of the House was that we should go into conference because the gentleman from Virginia or the gentleman from Alabama or the gentleman from somewhere else wanted it done otherwise as a matter of courtesy. Gentlemen, we are dealing with a vast question; we are dealing with a great question that affects every business interest of this country to the remotest confines of the Republic, which affects the very industrial and financial life of our people. I say courtesy will be no answer to our people at home when the voice of duty here demands that we should do this.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for a suggestion?

The SPEAKER. Does the gentleman from Georgia yield to the gentleman from Kansas?

Mr. HARDWICK. Certainly.

Mr. MURDOCK. I wish the gentleman would tell the House that this is our only chance on these three things.

Mr. HARDWICK. Undoubtedly. I want to warn you now, gentlemen. The gentleman from Virginia [Mr. GLASS] refused to say how he would be as regards these two propositions to which I refer, and yet we know how he was in the Democratic caucus. [Applause.]

I do not want any promise, but I know what we may expect from the House conferees, and I have had enough experience in the parliamentary work of this body to know that if we do not vote now we shall probably tie our hands and gag ourselves and give up this great fight for the agricultural interests of the South and the West.

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

The SPEAKER. Does the gentleman yield?

Mr. HARDWICK. Certainly.

Mr. BARKLEY. Does the gentleman mean to say that if the conferees should eliminate the provision increasing the term of long-time paper from one year to five years and the term of short-time paper from three months to six months we could not vote against that report when it comes into the House?

Mr. HARDWICK. But we will have to do it as a whole.

Mr. BARKLEY. Can we not do it as a whole?

Mr. HARDWICK. I understand the gentleman's question, and I do not yield any further. We would have to vote the report up or down as a whole, and you would be met then, as you are met now, with the insistent cry that the country awaits this bill; that a great panic hovers over us because we do not pass it or because we delay its passage. The President, the administration, the Senate, the country—everything would center here on you, to urge you to vote for the conference report and to enact this legislation.

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

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

Mr. HARDWICK. I yield to the gentleman from Illinois.

Mr. MANN. Does the gentleman think if the conference report comes in the administration will urge the Senate to pass it on account of the panic hovering over us?

Mr. HARDWICK. I think the President would urge its passage, because we know that business has halted while this bill was in process of being enacted, and we know he has said that it was extremely important for Members on this side to enact this legislation at the earliest possible moment.

Mr. MANN. I hope the gentleman will transmit that information to our beloved Speaker. He has not learned it yet. [Laughter.]

Mr. HARDWICK. Now, Mr. Speaker, I want to say that I urge upon the membership of this House to concur in the Senate amendment. There is not a single important trouble—

Mr. GRAHAM of Illinois. I want to point out an inconsistency in the bill and ask you if you want to change it.

Mr. HARDWICK. I can not yield to the gentleman.

Mr. GRAHAM of Illinois. In one place it provides for 35 per cent and in another for 33 per cent of the reserve.

Mr. HARDWICK. I want to say that if the gentlemen in charge of this bill had been liberal with the House about time for this debate and had given us time to go into these details, I would answer with pleasure every single objection of a technical nature that they urge about this Senate amendment; but they have said "no," the previous question is ordered, and we have but 20 minutes' discussion of this great question, in which is wrapped up the very industrial life and financial life of the American people. [Applause.] And then they say—

The SPEAKER. The time of the gentleman has expired.

Mr. HARDWICK. I hope the House will vote to concur and pass this bill at once. [Applause.]

Mr. GLASS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Six minutes.

Mr. GLASS. How much time has the gentleman from Oklahoma [Mr. MURRAY]?

The SPEAKER. None at all.

Mr. GLASS. I yield two minutes to my colleague from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I hope this bill will be sent to conference. It would make the Democratic Party absolutely ridiculous in the eyes of the country [applause on the Republican side] if, after spending all the time that has been taken to perfect a banking and currency bill, it rushed pell-mell to adopt the Senate amendment because there were one or two things that appealed particularly to large numbers of the House, without anyone really knowing what the result of the amendment would be. I do not know whom the House conferees will be, but I have sufficient confidence in them to believe that they will try to meet the sentiments of a majority of the Democrats in this House and not the sentiments of the Progressives and Republicans.

Mr. RAGSDALE. Will the gentleman yield?

Mr. FITZGERALD. No; I will not yield. I have only two minutes. In adjusting the bill they will eliminate the imperfections that have been pointed out by the gentleman from Virginia [Mr. GLASS] as calamities, and will so perfect the bill as not only to meet the sentiment of the Members on this side of the House, but will meet the demands of the country for a bill that will bring relief to the financial and commercial interests of the country, and will reflect credit upon the administration and upon the Democratic Party.

Suppose this amendment were to be adopted out of hand, and after it were adopted it was discovered that through haste or oversight some vital portion of the bill was of such a character that it would bring disaster to the commercial world. What excuse could be offered, what defense could be made? Would that not be doing just what our opponents hope we will do, put ourselves where the wrath of the country would sweep us out of power and out of the confidence of the people?

I hope the House will do the wise and sensible thing, and give a chance to have the bill examined and perfected in an orderly and in the usual way.

The SPEAKER. The time of the gentleman has expired.

Mr. GLASS. I yield one minute to my colleague from California [Mr. HAYES].

Mr. HAYES. Mr. Speaker, the chairman of the committee has stated very succinctly and clearly many things that ought to come out of this bill as it is sent to us from the Senate. I only desire to add one more thing. The Senate amendment permits the use of the notes issued by the Federal reserve banks as reserves in all the member banks, which anybody who knows anything about banking knows would mean the possibility of violent and dangerous and destructive inflation, and it should never pass with that provision in it. [Applause.]

Mr. GLASS. I yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD]. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I regard this bill as the greatest economic measure that has confronted the country in many years. I believe if a few inequalities that now exist are smoothed out, we are to have a bill that will be of great service to the people. [Applause.] This bill is so good that many of the opponents of the party in power have voted for it in the Senate and in the House. [Applause.] The gentleman from Georgia [Mr. HARDWICK] opposes the bill going to conference because he says that we must vote the conference report up or down, without amendment, and yet the gentleman from Georgia asked this House to vote up the Senate amendment without consideration or amendment when many inequalities are pointed out to him that must be perfected.

Mr. RAGSDALE. Will the gentleman yield?

Mr. UNDERWOOD. Yes; for a question.

Mr. RAGSDALE. It has been stated here to-day that the conferees on the part of the House would try to carry out the will of the Democrats of this body. The Democrats of this body in caucus went on record in favor of 90 days for agricultural credits. Will the gentleman state how he stands on that provision as to 6 months or 90 days?

Mr. UNDERWOOD. I will say to the gentleman from South Carolina that in the caucus I favored a liberal provision as to agricultural credits. I favor it now, and I hope the conferees will bring back a report that will enable the Senate provision to stand, so far as the length of time for agricultural paper is concerned. [Applause.] That is my individual view; that is my personal wish, but we can not destroy a great bill by reason of our individual desires.

Now I want to point to just one thing in this bill that makes it impossible for you to accept the Senate amendment as it stands. On page 91 of this bill it provides that the reserve for the redemption of these notes shall be 35 per cent. On page 93 it provides that the same reserve shall be 33 per cent.

Mr. MURRAY of Oklahoma. That is a typographical error.

Mr. UNDERWOOD. Of course it was a typographical error, a mistake, but do you want to write typographical error and mistake into the law so that you can not enforce it? [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired; all time has expired.

Mr. MURRAY of Oklahoma. Mr. Speaker, on this motion I demand the yeas and nays.

Mr. MANN. Mr. Speaker, is anybody on this side entitled to recognition in debate?

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois may have five minutes.

Mr. WILLIAMS. Mr. Speaker, I object.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that gentlemen who have been recognized, including the gentleman from Illinois, may have leave to extend remarks in the Record.

Mr. MURRAY of Oklahoma. Make it apply to all Members.

Mr. UNDERWOOD. Very well, I will ask to have it apply to all Members.

Mr. MANN. Mr. Speaker, under the reformed liberal rules of the House, nobody can be heard except Members on the majority side of the House, and I object.

The SPEAKER. The Chair wishes to state that the gentleman from Oklahoma was recognized to make his motion, and when the previous question was ordered, nobody participating in that proceeding except Members on the Democratic side, who, of course, were entitled to recognition, the Chair was not trying to prevent Republicans—

Mr. MANN. Oh, Mr. Speaker, if the Chair will pardon me, I was not criticizing the Chair. [Cries of "Regular order!"]

Mr. UNDERWOOD. Mr. Speaker, I again renew my request that the gentleman from Illinois may have five minutes by unanimous consent.

Mr. WILLIAMS. Reserving the right to object, Mr. Speaker—

Mr. GARDNER. I object, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts objects. The gentleman from Oklahoma demands the yeas and nays on the motion to concur in the Senate amendment.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. If the motion of the gentleman from Oklahoma is voted down, will it be in order for the House to instruct the conferees on certain of these provisions?

The SPEAKER. It would be in order if they get the conferees.

Mr. MURDOCK. And recognition.

Mr. GRIFFIN. And the votes. [Laughter.]

The SPEAKER. The Chair will state the parliamentary situation. If this motion is voted down, that is equivalent to a disagreement, and then a motion for the conferees will be in order. After the conferees are appointed the motion to instruct them would be in order.

Mr. CULLOP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CULLOP. When the conferees are appointed, then it is too late to make the motion to instruct. It must be made between the motion for the conferees and the appointment of them.

The SPEAKER. It will be in order when the conference is agreed to. The question is on the demand of the gentleman from Oklahoma for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Oklahoma to concur in the Senate amendments.

The question was taken; and there were—yeas 59, nays 295, answered "present" 2, not voting 78, as follows:

YEAS—59.

Austin	Garrett, Tex.	Murray, Okla.	Stephens, Cal.
Barton	Gregg	Neeley, Kans.	Stephens, Miss.
Bell, Cal.	Hardwick	Nolan, J. I.	Stephens, Tex.
Bryan	Hinebaugh	O'Hair	Stout
Buchanan, Tex.	Howard	Page, N. C.	Summers
Burgess	Hughes, Ga.	Park	Tavener
Candler, Miss.	Hullings	Quin	Thompson, Okla.
Copley	Kelly, Pa.	Ragsdale	Tribble
Curry	Kinkaid, Nebr.	Rayburn	Walters
Davenport	Lafferty	Rupley	Whitacre
Dershem	Langley	Sharp	Williams
Dies	Lobeck	Sisson	Witherspoon
Doughton	McKenzie	Slayden	Woodruff
Fowler	MacDonald	Sloan	Young, Tex.
Garner	Murdock	Smith, Idaho	

NAYS—295.

Abercrombie	Dyer	Keating	Raker
Adamson	Eagan	Keister	Ranch
Aiken	Edwards	Kelley, Mich.	Reed
Anderson	Esch	Kennedy, Conn.	Reilly, Conn.
Ansberry	Estopinal	Kennedy, Iowa	Reilly, Wis.
Ashbrook	Evans	Kennedy, R. I.	Riordan
Aswell	Falson	Kent	Roberts, Mass.
Avis	Falconer	Kettner	Rogers
Baker	Farr	Key, Ohio	Rothermel
Baltz	Fergusson	Kindel	Rouse
Barkley	Ferris	Kincaid, N. J.	Rubey
Barnhart	Fields	Kirkpatrick	Rucker
Bartholdt	Finley	Kitchin	Russell
Bathrick	Fitzgerald	Konop	Saunders
Beakes	FitzHenry	Korby	Scott
Beall, Tex.	Flood, Va.	Kreider	Seldomridge
Bell, Ga.	Floyd, Ark.	Langham	Sells
Blackmon	Foster	Lazaro	Shackleford
Booher	Francis	Lee, Ga.	Sherley
Borland	Frear	Lenroot	Sherwood
Bowdle	French	Leshner	Shreve
Brockson	Gard	Lever	Sims
Brodbeck	Gardner	Levy	Sinnott
Brown, N. Y.	George	Lewis, Md.	Slomp
Browne, Wis.	Gilmore	Lewis, Pa.	Small
Brumbaugh	Gittins	Lieb	Smith, J. M. C.
Burke, S. Dak.	Glass	Lindbergh	Smith, Md.
Burke, Wis.	Godwin, N. C.	Lindquist	Smith, Minn.
Burnett	Goeke	Linthicum	Smith, Saml. W.
Byrnes, S. C.	Goldfogle	Lloyd	Smith, Tex.
Byrns, Tenn.	Good	Logue	Sparkman
Callaway	Goodwin, Ark.	Louergan	Stafford
Campbell	Gordon	McAndrews	Stanley
Cantor	Goulden	McClellan	Stedman
Caraway	Graham, Ill.	McCoy	Steenerson
Carew	Gray	McDermott	Stephens, Nebr.
Carlin	Green, Iowa	McGillcuddy	Stevens, Minn.
Carr	Greene, Mass.	McGuire, Okla.	Stevens, N. H.
Carter	Greene, Vt.	McKellar	Stone
Cary	Griest	McLaughlin	Sutherland
Casey	Griffin	Maguire, Nebr.	Switzer
Chandler, N. Y.	Gudger	Manahan	Taggart
Church	Guernsey	Mann	Talcott, N. Y.
Clark, Fla.	Hamilton, Mich.	Mapes	Taylor, Ala.
Claypool	Hamilton, N. Y.	Mitchell	Taylor, Ark.
Clayton	Hamilin	Mondell	Taylor, Colo.
Cline	Hammond	Montague	Taylor, N. Y.
Coady	Hardy	Moon	Temple
Collier	Harrison	Moore	Ten Eyck
Connelly, Kans.	Hart	Morgan, La.	Thacher
Connolly, Iowa	Haugen	Morgan, Okla.	Thomas
Conry	Hawley	Morrison	Thomson, Ill.
Cooper	Hay	Moss, W. Va.	Towner
Covington	Hayden	Mott	Townsend
Cox	Hayes	Murray, Mass.	Treadway
Cramton	Heflin	Neely, W. Va.	Tuttle
Crisp	Helgesen	Nelson	Underhill
Crosser	Helvering	Norton	Underwood
Cullop	Hensley	O'Brien	Volstead
Danforth	Hill	Oglesby	Walker
Davis	Hinds	Oldfield	Walsh
Decker	Holland	O'Shaunessy	Watkins
Deitrick	Houston	Padgett	Watson
Dent	Howell	Palmer	Weaver
Dickinson	Hull	Parker	Webb
Difenderfer	Humphrey, Wash.	Payne	Whaley
Dillon	Humphreys, Miss.	Peters, Mass.	White
Dixon	Igoe	Peterson	Willis
Donovan	Jacoway	Phelan	Wilson, Fla.
Doelling	Johnson, Ky.	Platt	Wingo
Doollittle	Johnson, S. C.	Plumley	Winslow
Doremus	Johnson, Utah	Post	Woods
Driscoll	Johnson, Wash.	Pou	Young, N. Dak.
Dupré	Kahn	Rainey	

ANSWERED "PRESENT"—2.

Browning
 Garrett, Tenn. |

NOT VOTING—78.

Adair	Brown, W. Va.	Dunn	Hamill
Ainey	Bruckner	Eagle	Heim
Alexander	Buchanan, Ill.	Edmonds	Henry
Allen	Bulkley	Elder	Hobson
Anthony	Burke, Pa.	Fairchild	Hoxworth
Anthony	Butler	Fess	Hughes, W. Va.
Bailey	Calder	Fordney	Jones
Barchfeld	Cantrill	Gallagher	Kloss, Pa.
Bartlett	Clancy	Gerry	Knowland, J. R.
Borchers	Curley	Gillett	La Follette
Bremer	Dale	Gorman	Lee, Pa.
Britten	Donohoe	Graham, Pa.	L'Engle

Loft	Morin	Porter	Stringer
Madden	Moss, Ind.	Powers	Talbot, Md.
Mahan	O'Leary	Prouty	Vare
Maher	Paige, Mass.	Richardson	Vaughan
Martin	Patten, N. Y.	Roberts, Nev.	Wallin
Merritt	Patton, Pa.	Sabath	Wilson, N. Y.
Metz	Pepper	Scully	
Miller	Peters, Me.	Smith, N. Y.	

So the motion to concur was rejected.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. GARRETT of Tennessee with Mr. FORDNEY.

Mr. CANTRILL with Mr. EDMONDS.

Mr. GORMAN with Mr. MERRITT.

Mr. STRINGER with Mr. MORIN.

Mr. DALE with Mr. MARTIN.

Mr. ALEXANDER with Mr. DUNN.

Mr. ALLEN with Mr. FESS.

Mr. BAILEY with Mr. AINEY.

Mr. BROWN of West Virginia with Mr. BRITTEN.

Mr. BUCHANAN of Illinois with Mr. GRAHAM of Pennsylvania.

Mr. BULKLEY with Mr. HUGHES of West Virginia.

Mr. DONOHUE with Mr. BURKE of Pennsylvania.

Mr. GALLAGHER with Mr. KIESS of Pennsylvania.

Mr. HELM with Mr. LA FOLLETTE.

Mr. HENRY with Mr. J. R. KNOWLAND.

Mr. JONES with Mr. MILLER.

Mr. KINKEAD of New Jersey with Mr. PAIGE of Massachusetts.

Mr. LEE of Pennsylvania with Mr. PATTON of Pennsylvania.

Mr. MOSS of Indiana with Mr. PETERS of Maine.

Mr. PATTEN of New York with Mr. PORTER.

Mr. SMITH of New York with Mr. POWERS.

Mr. WILSON of New York with Mr. PROUTY.

Mr. ELDER with Mr. ROBERTS of Nevada.

Mr. MAHER with Mr. VARE.

On the vote:

Mr. VAUGHAN with Mr. CALDER.

Mr. ADAIR with Mr. ANTHONY.

Mr. L'ENGLE (in favor of) with Mr. BARCHFELD (against concurrence in Senate amendment).

Mr. SABATH with Mr. GILLET (ending after holidays).

Mr. TALBOTT of Maryland (against) with Mr. MADDEN (for concurrence in Senate amendment; ending Monday).

Mr. BROWNING. Mr. Speaker, did Mr. SCULLY vote?

The SPEAKER. He did not.

Mr. BROWNING. Mr. Speaker, I voted "no." I wish to withdraw my vote and be recorded "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. GARRETT of Tennessee. Mr. Speaker, I voted "no." I am paired with the gentleman from Michigan, Mr. FORDNEY, and I am informed he has not voted. I therefore desire to withdraw my vote and answer "present."

The name of Mr. GARRETT of Tennessee was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. GLASS. Mr. Speaker—

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Would it be in order at this time to offer a motion to instruct the conferees before the conference asked for by the Senate has been agreed to, or would that motion have to come afterwards? At the proper time I desire to make that motion.

The SPEAKER. It would come after the agreement for the conferees and before the conferees are announced.

Mr. GLASS. Mr. Speaker, I desire to move that the House agree to the request for the conference asked for by the Senate.

The SPEAKER. The gentleman from Virginia moves that the House agree to the conference on this bill asked for by the Senate. Without objection, the conference is agreed to. [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer the following privileged motion.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

*Resolved*, That the managers on the part of the House be instructed in conference to agree to the Senate amendment with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the short title of this act shall be the 'Federal reserve act.'

"The terms 'national bank' and 'national banking association' used in this act shall be held to be synonymous and interchangeable. The term 'member bank' shall be held to mean any national bank, State

bank, or trust company which has become a member of one of the reserve banks created by this act. The term 'board' shall be held to mean Federal reserve board; the term 'district' shall be held to mean Federal reserve district; the term 'reserve bank' shall be held to mean Federal reserve bank.

#### "FEDERAL RESERVE DISTRICTS.

"Sec. 2. That the Federal reserve board, hereinafter provided for, shall, as soon as practicable after their appointment and confirmation, designate from among the reserve and central reserve cities now established a number of such cities to be termed Federal reserve cities, and shall divide the continental United States into districts, each district to embrace one of such Federal reserve cities: *Provided*, That the districts shall be formed with due regard to the convenience and customary course of financial and commercial business in each district, and need not necessarily coincide with State or county boundaries. The districts thus established shall be known as Federal reserve districts, and each of them shall be designated by the name of the Federal reserve city located therein. The Federal reserve board shall, as soon as practicable after the said districts have been established, proceed to organize, conformable to the provisions of this act, in each Federal reserve city designated as aforesaid, a Federal reserve bank, which shall be known by the name of the city in which it is established, as, for example, 'Federal reserve bank of Chicago.' Four Federal reserve cities, and appurtenant to them four Federal reserve districts, and no more, shall in the first instance be designated and established as such by the Federal reserve board: *Provided*, That after Federal reserve banks have been organized and in operation for a period of two years in said four Federal reserve cities, the Federal reserve board may, in its discretion, from time to time, designate not to exceed in all eight additional Federal reserve cities, with the requisite Federal reserve districts appurtenant thereto, and for that purpose may alter and change the limits and areas of existing Federal reserve districts. There shall be allotted to every national bank within a Federal reserve district, of the capital stock of the Federal reserve bank of such district, a sum equal to 6 per cent of the fully paid-up capital stock and surplus of such national bank, which stock so allotted shall be underwritten by said bank and for a period of 60 days after allotment be offered for subscription at par to the public at large, but no more than 100 shares shall be allowed to be subscribed for or held by any person, firm, or corporation, and all of the allotted stock not subscribed for and taken by the public shall immediately be subscribed for and taken by the national bank to which the same was in the first instance allotted. The preparation, allotment, subscription to, and sale of stock shall be under the control of the board, which in case of oversubscription shall give preference to the smaller subscriptions. The national banks shall in the first instance act as agents of the Federal reserve board to take subscriptions from the general public and receive payment therefor, which shall be held subject to the order of the board. That said stock subscription shall be paid for in gold coin or gold certificates as follows: One-third at the time of subscription, one-third within 30 days, and one-third within 60 days thereafter. The board is hereby empowered to appoint such assistants, to subpoena, swear, and examine witnesses, to employ counsel and experts, and to incur such expenses as may be necessary for establishing, organizing, and putting in operation the Federal reserve banks and designating the Federal reserve cities and reserve districts provided for in this act, and such expenses shall be paid by the Treasurer of the United States upon vouchers approved by the Secretary of the Treasury, and the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses. Five members of the reserve board shall constitute a quorum with power to do business.

#### "STOCK ISSUES.

"Sec. 3. The capital stock of each Federal reserve bank shall be divided into shares of \$100 each, and shall be without voting power. The Federal reserve board shall have power to prescribe regulations for the transfer of said stock. With the consent and approval of the board, reserve banks may establish such branch offices, within their respective districts, as they deem necessary to conform to the convenience and established course of business.

#### "FEDERAL RESERVE BANKS.

"Sec. 4. When the Federal reserve board has established Federal reserve districts as prescribed in section 2 of this act, the governor or vice governor of such board shall, under his hand and seal, execute a certificate designating the territorial limits of such districts and the Federal reserve city in each district, and shall file such certificate with the Secretary of the Treasury. When such certificate has been executed and filed as aforesaid, the board shall allot to each and every national bank stock in the reserve banks as prescribed in section 2 of this act, and when, conformable to section 2 of this act, an amount of such stock has been subscribed for in any Federal reserve district equal to \$6,000,000, and one-third of such subscription has been paid in, the board shall, by its governor or vice governor, under his hand and seal, issue a certificate in writing specifying the name and location of the reserve bank in such district, the territorial limits of the district, the amount of the capital stock subscribed, and the amount paid in on such subscription, and the name and amount of stock taken by each subscriber. Such certificate shall be acknowledged before the clerk of a court of record, or a notary public, and shall be filed with the Secretary of the Treasury.

"Upon the filing of such certificate with the Secretary of the Treasury as aforesaid, the said reserve bank so formed shall become a body corporate, and as such, and in the name designated in such organization certificate, shall have power—

"First. To adopt and use a corporate seal.

"Second. To have succession for a period of 20 years from its organization unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law.

"Third. To make contracts.

"Fourth. To sue and be sued, complain and defend, in any court of law and equity as fully as natural persons.

"Fifth. To appoint by its board of directors, elected as hereinafter provided, such officers as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalty thereof, to dismiss such officers or any of them as may be appointed by them at pleasure, and to appoint others to fill their places.

"Sixth. To prescribe by its board of directors by-laws not inconsistent with law regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed.

"Seventh. To exercise by its board of directors, or duly authorized officers or agents, all powers specifically granted by the provisions of

this act and such incidental powers as shall be necessary to carry on the business of banking within the limitations prescribed by this act.

"No Federal reserve bank shall transact any banking business, except such as pertains to the perfection of its organization and management, until two-thirds of its stock subscribed for has been paid in as prescribed in section 2 of this act.

"Every Federal reserve bank shall be conducted, managed, and controlled by a board of nine directors, five of whom shall be appointed by the Federal reserve board, and shall be known as directors 'A' and four of whom shall be known as directors 'B,' and who shall be selected and appointed by the member banks as follows:

"As soon as practicable after a reserve bank has been incorporated as above provided, the board shall notify the member banks in said Federal reserve district to elect four directors within a certain date to be named in the notification. Said board shall supply to each member bank a blank for the purpose of recording the vote of said member bank. Each member bank shall vote for four 'B' directors upon the blank so forwarded, shall certify that they are the choice of the board of directors of said member bank, which certificate shall be signed by the officers of said bank and forwarded to the board within the time which said board shall limit. Said board shall canvass the ballots so received from said member banks and forward a certificate of the result to each of said member banks. The candidate for director receiving the largest number of votes shall be elected for four years; the candidate for director receiving the second largest number of votes shall hold office for three years; the candidate for director receiving the third largest number of votes shall hold office for two years; the candidate for director receiving the second largest number of votes shall hold office for one year. During each subsequent year, the election shall be held in the same manner except that each bank shall vote for only one director unless in case of vacancies, when the number to be elected shall be certified by the board to each member bank, and in such cases a plurality vote shall elect.

"No person shall be qualified to hold the office of director 'A' or director 'B' while he is an officer, director, stockholder, or employee of any other bank or of any trust company, and no person shall be appointed or elected director who is not at the time of his appointment or election an actual and bona fide resident of the Federal reserve district for which he is appointed or elected. The Federal reserve board shall designate and appoint one of said directors 'A' as chairman of the board of directors, who shall be known as 'Federal reserve agent.' Directors 'A' shall hold their offices for four years, except the Federal reserve agent, who shall hold his office at the pleasure of the board. Of the directors 'A' first selected one shall hold office for one year, one for two years, one for three years, and one for the full term of four years, as designated by the board. Directors 'B' shall hold their offices for four years, except that as to the first election one shall be elected for one year, one for two years, one for three years, and one for four years.

"The salaries of the directors shall be fixed by the board and shall be payable from the revenues of the Federal reserve bank of which they are directors. The board of directors shall have authority to fix the salaries and wages of all the employees of their bank.

"Vacancies that occur in either class of directors of reserve banks may be filled in the manner provided for the original selection of such directors, the men so selected to hold office for the unexpired terms of their predecessors.

"Upon its own initiative, for cause, or upon written complaint under oath presented by 10 or more member banks charging any director of a reserve bank with incompetency, dishonesty, or other matter affecting his efficiency as a director, the board shall have the power, after hearing and proof and pursuant to a written notice specifying the grounds thereof, to remove such director. The accused director shall be allowed 30 days in which to make defense thereto. Pending the hearing the board may within its discretion suspend the accused director.

#### "INCREASE OF CAPITAL.

"Sec. 5. That the capital stock in the reserve banks shall be maintained as nearly as practicable in an amount equal to 6 per cent of the capital and surplus of the member banks in said district, and the board is authorized from time to time to sell to the public such additional stock in any reserve bank as may be required to maintain this proportion. The price at which said stock shall be offered to the public shall be at its fair market value, but in no case below par. Any bank applying for membership in a reserve bank shall be required by the board to underwrite, at the price fixed by the board, such an amount of capital stock in said reserve bank equal to 6 per cent of the capital and surplus of such applying bank, as may be allotted to it by the board, and to purchase and pay for such portion of said allotment as may not be purchased by the public, as provided for in this act.

"When the capital stock of any reserve bank has been increased, the board shall certify the same to the Secretary of the Treasury.

"Sec. 6. That in case the Federal reserve board shall decide, after two years' operation of the reserve banks first established, that one or more additional banks herein authorized should be established it shall make the necessary change in lines of existing districts, designate the new reserve city or cities, and notify the member banks affected by such change to associate themselves with the new reserve bank or banks and change the deposit of their reserves accordingly. Stockholders in previously established reserve banks affected by the change shall be invited to exchange a portion of their stock certificates as indicated by the reserve board, and for all stock so exchanged the reserve board shall direct the transfer to the new reserve bank or banks from the old reserve bank or banks of the corresponding amount of cash capital in gold.

"If sufficient stock certificates are not thus exchanged the reserve board may offer to the general public at par stock in the newly created district or districts to an amount necessary to make up the difference.

"As an inducement to make the exchange of stock the reserve board may direct that the stock of the old reserve bank or banks so exchanged shall be entitled to payment in cash of its share of the accumulated surplus.

#### "DIVISION OF EARNINGS.

"Sec. 7. That after the payment of all necessary expenses and taxes, including its share of the expenses of the Federal reserve board, the stockholders of each Federal reserve bank shall be entitled to receive an annual dividend of 5 per cent on the paid-in capital stock, which dividend shall be cumulative. Net earnings over and above expenses and the aforesaid dividend shall be applied as follows: Twenty-five per cent of such net earnings to be carried to a surplus fund until such fund shall amount to 20 per cent of the paid-in capital stock of such reserve bank, and 37½ per cent of said net earnings shall be set aside in a trust fund to be known as the depositors' insurance fund and shall be used for the payment of the depositors of insolvent member banks under rules and regulations made by the board. When, in the judgment of the

board, there has been accumulated in such depositors' insurance fund a sufficient sum fully to insure the payment of the depositors of insolvent member banks, the board shall have power to suspend the setting aside and accumulation of the said 37½ per cent of such earnings, and thereafter such 37½ per cent of such earnings shall be paid to the United States, except that in the event the depositors' insurance fund is depleted by the payment of depositors of insolvent member banks such fund shall be replenished by again setting aside such 37½ per cent of the earnings or so much thereof as, in the judgment of the board, may be necessary. The remaining net earnings shall be paid to the United States: *Provided*, That the amount so paid shall be applied to the purchase, at par, with accrued interest, of the 2 per cent bonds of the United States, said bonds then to be retired; or if such bonds can not be so purchased said amount shall be applied to the purchase of other interest-bearing obligations of the United States, which obligations shall thereupon be retired.

"Every Federal reserve bank incorporated under the terms of this act and the capital stock therein and the income derived therefrom shall be exempt from Federal, State, and local taxation, except in respect to taxes upon real estate.

"Sec. 8. That within six months after a national bank shall have been notified by the Federal reserve board of its allotment of stock under section 2 of this act said national bank shall hold a meeting of its stockholders and decide by a majority vote whether it will become a member bank under the terms of this act or whether it will give up its charter as a national bank. In case the stockholders of said national bank shall decide that said national bank shall become a member bank, the officers of said bank, upon a blank provided by the board, shall forward the formal acceptance by said national bank of the terms of this act to the board, properly attested before a notary public. In case any national bank shall fail to forward its acceptance to the board within six months from the time said board makes the allotment of stock to said bank, it shall be deemed to have declined to become a member bank, and shall thereupon have six months within which to surrender its charter and abandon its existence as a national bank. In any case, however, every national bank shall be and is required to accept the allotment of stock as provided in section 2, which stock may be freely sold and disposed of as other assets of the bank: *Provided, however*, That any national bank acting as a reserve agent in a reserve or central reserve city shall be required to accept the terms of this act within six months from the date of notification of its allotment of stock, or, upon failure to do so, shall cease to be a reserve agent for national banks.

"Sec. 9. That any bank or banking association incorporated by special law of any State or of the United States, or organized under the general laws of any State or the United States, and having an unimpaired capital sufficient to entitle it to become a national banking association under the provisions of existing laws, may, by the consent in writing of the shareholders owning not less than 51 per cent of the capital stock of such bank or banking association, and with the approval of the Comptroller of the Currency, become a national banking association under its former name or by any name approved by the comptroller. The directors thereof may continue to be the directors of the association so organized until others are elected or appointed in accordance with the provisions of the law. When the comptroller has given to such bank or banking association a certificate that the provisions of this act have been complied with, such bank or banking association and all its stockholders, officers, and employees shall have the same powers and privileges, and shall be subject to the same duties, liabilities, and regulations, in all respects, as shall have been prescribed by this act or by the national banking act for associations originally organized as national banking associations.

#### "STATE BANKS AS MEMBERS.

"Sec. 10. That from and after the passage of this act any bank or banking association or trust company incorporated by special law of any State, or organized under the general laws of any State or the United States, may make application to the Federal reserve board to become a member of the Federal reserve bank organized or to be organized within the Federal reserve district where the applicant is located. The Federal reserve board, under such rules and regulations as it may prescribe, subject to the provisions of this act, shall permit such applying bank to become a member of the Federal reserve bank of the district in which such applying bank is located, in which case stock shall be allotted to it as provided in this act.

"No such applying bank shall be admitted to membership in a Federal reserve bank unless it possesses a paid-up unimpaired capital sufficient to entitle it to become a national banking association in the place where it is situated, under the provisions of the national banking act, and it shall thereafter be required to make the same reports and be subject to the same examination and supervision as national banking associations and subject also to the reserve requirements of this act.

"If at any time it shall appear to the Federal reserve board that a member bank has failed to comply with the provisions of this act or the regulations of the Federal reserve board, it shall be within the power of the said board, after due hearing, to suspend or expel the said bank from membership. The Federal reserve board may restore membership upon due proof of compliance with the conditions imposed by this act.

#### "FEDERAL RESERVE BOARD.

"Sec. 11. That the President of the United States shall appoint, by and with the advice and consent of the Senate, a Federal reserve board consisting of eight members, in addition to whom the Secretary of the Treasury shall be an ex officio member. Of the eight members appointed in the first instance, the President shall appoint one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, one for a term of seven years, and one for a term of eight years, and thereafter all appointments shall be made for a term of eight years. Not less than one nor more than three of said members shall be appointed from any one Federal reserve district. Appointments to fill vacancies in the board shall be for the unexpired term and may be made by the President when the Senate is not in session, which appointments shall expire at the end of the next session. In selecting members of the reserve board consideration shall be given to experience in commerce and banking. The eight members of the Federal reserve board thus appointed by the President shall devote their entire time to the work and duties of the board and shall not while in office be officers, directors, or employees of any bank or trust company, nor hold stock in any such institution, and they shall each receive a salary of \$12,000 per year, payable monthly out of the Treasury of the United States upon the order or warrant of the Secretary of the Treasury. The President shall designate, other than the Secretary of the Treasury, one member of said board as governor thereof, and one member as vice governor thereof who shall act in place of the governor during his disability or absence.

The governor shall be the active executive and presiding officer of the board. The Secretary of the Treasury shall provide the necessary office rooms for said board in the Treasury Department Building, or the board may select quarters elsewhere in the city of Washington if sufficient office room can not be found in said building. The said board shall hold its office in the city of Washington, D. C. The first meeting of the board shall be held as soon as may be, upon the call of the Secretary of the Treasury, at a time and place designated by him.

"The Federal reserve board shall have power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and salaries for the half year succeeding the levying of such assessment, together with any deficiency carried forward from the preceding half year.

"The Federal reserve board shall annually make a full report of its operations to the Congress.

"Section 324 of the Revised Statutes of the United States shall be amended so as to read as follows: 'There shall be in the Department of the Treasury a bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of national currency secured by United States bonds and, under the general supervision of the Federal reserve board, of all Federal reserve notes, the chief officer of which bureau shall be called the Comptroller of the Currency, and shall perform his duties under the general direction of the Secretary of the Treasury.' Nothing in this act contained shall be construed as taking away any powers heretofore vested by law in the Secretary of the Treasury which relate to the supervision, management, and control of the Treasury Department and the bureaus under such department.

"Sec. 12. That the Federal reserve board hereinbefore established shall be authorized and empowered—

"(a) To examine at its discretion the accounts, books, and affairs of each Federal reserve bank and of each member bank and to require such statements and reports as it may deem necessary. The said board shall publish once each week a statement showing the condition of each Federal reserve bank and a consolidated statement for all Federal reserve banks. Such statements shall show in detail the assets and liabilities of such Federal reserve banks, single and combined, and shall furnish full information regarding the amount and character of the money held as reserve and the amount, nature, and maturities of the paper and other investments owned or held by Federal reserve banks.

"(b) To permit or require, in time of emergency, Federal reserve banks to rediscount the discounted prime commercial paper of other Federal reserve banks, at least six members of the Federal reserve board being present when such action is taken and all present consenting to the requirement. In such case the Federal board shall fix a special discount rate of not more than 3 per cent in excess of the discount rate of the accommodated reserve bank.

"(c) To supervise and regulate the issue and retirement of Federal reserve notes and to prescribe the form and tenor of such notes.

"(d) To add to the number of cities classified as reserve and central reserve cities under existing law in which national banking associations are subject to the reserve requirements set forth in this act; or to reclassify existing reserve and central reserve cities or to terminate their designation as such.

"(e) To require the writing off of doubtful or worthless assets upon the books and balance sheets of Federal reserve banks.

"(f) To require bonds of Federal reserve agents for the faithful performance of the duties of their office.

#### "FEDERAL ADVISORY COUNCIL.

"SEC. 13. There is hereby created a Federal advisory council, which shall consist of as many members as there are Federal reserve districts. Each Federal reserve bank, by its board of directors, shall annually select from its own Federal reserve district one member of said council, who shall receive such compensation and allowances as may be fixed by the board of directors, subject to the approval of the Federal reserve board. The meetings of said advisory council shall be held in Washington, D. C., at least four times each year, and oftener if called by the Federal reserve board. The council may select its own officers and adopt its own methods of procedure, and a majority of its members shall constitute a quorum for the transaction of business. Vacancies in the council shall be filled by the respective reserve banks, and members selected to fill vacancies shall serve for the unexpired term.

"The Federal advisory council shall have power by itself or through its officers (1) to meet and confer directly with the Federal reserve board on general business conditions; (2) to make oral or written representations concerning matters within the jurisdiction of said board; (3) to call for complete information and to make recommendations in regard to discount rates, rediscount business, note issues, reserve conditions in the various districts, the purchase and sale of gold or securities by reserve banks, open-market operations by said banks, and the general affairs of the reserve banking system.

#### "REDISCOUNTS.

"SEC. 14. That any Federal reserve bank may receive from any member bank and from the United States deposits of current funds in lawful money, national-bank notes, Federal reserve notes, and checks and drafts upon solvent member banks of the Federal reserve system, payable upon presentation; and, solely for exchange purposes, may receive from other Federal reserve banks deposits of current funds in lawful money, national-bank notes, and checks and drafts upon solvent member or other Federal reserve banks, payable upon presentation. Reserve banks shall not pay interest on deposits.

"Upon the indorsement of any member bank with a waiver of demand notice and protest any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or may be used, for such purposes, the Federal reserve board to have the right to determine or define the character of the paper thus eligible for discount, within the meaning of this act; nothing herein contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount; but such definition shall not include notes, drafts, or bills covering merely investments or issued or drawn for the purpose of carrying or trading in stocks, bonds, or other investment securities, except bonds and notes of the Government of the United States and interest-bearing obligations of its dependencies the principal and interest of which have been guaranteed by the United States. Notes and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 180 days: *Provided, however*, That not more than 50 per cent of the paper discounted for any member bank shall have a maturity exceeding 90 days and in no case shall any

member bank have more than \$200,000 of rediscounts having a maturity longer than 90 days.

"Any Federal reserve bank may discount acceptances of member banks which are based on the exportation or importation of goods and which have a maturity at time of discount of not more than six months and of acceptances based on domestic shipments of goods and which have a maturity at time of discount of not more than four months and bear the signature of at least one member bank in addition to that of the acceptor. The amount so discounted shall at no time exceed one-half the capital stock of the bank for which the rediscounts are made.

"The aggregate of such notes and bills bearing the signature or indorsement of any one person, company, firm, or corporation rediscounted for any one bank shall at no time exceed 10 per cent of the unimpaired capital and surplus of said bank; but this restriction shall not apply to the discount of bills of exchange drawn in good faith against actually existing values.

"Any national bank may, at its discretion, accept drafts or bills of exchange drawn upon it and growing out of transactions involving the importation or exportation of goods having not more than six months to run or growing out of the domestic shipment of goods and having not more than four months to run; but no bank shall accept such bills to an amount equal at any time in the aggregate to more than the par value of its paid-up and unimpaired capital.

"The Federal reserve board may authorize the reserve bank of the district to discount the direct obligations of member banks, secured by the pledge and deposit of satisfactory securities; but in no case shall the amount so loaned by a reserve bank exceed three-fourths of the actual market value of the securities so pledged or one-half the amount of the paid-up and unimpaired capital of the member bank.

"The rediscount by any Federal reserve bank of any bills receivable and of domestic and foreign bills of exchange shall be subject to such regulations as may be imposed by the board. The discount provisions of this act shall be equitably extended to all of its member banks by each reserve bank upon equal terms, and each member bank shall be entitled as a matter of right to the rediscount of eligible paper to the full amount of its capital stock upon the lowest current rate of discount, and no member bank shall be permitted to discount an amount of paper exceeding the amount of its capital stock except upon payment of a higher rate of discount, the increase in rate of discount to be 1 per cent for an additional 50 per cent of discounts or part thereof and 2 per cent for all in excess. In no case shall a Federal reserve bank discount paper for a member bank in excess of twice the amount of its capital stock without special authority by the board.

#### "OPEN-MARKET OPERATIONS.

"SEC. 15. Any Federal reserve bank may, under rules and regulations prescribed by the Federal reserve board, purchase and sell in the open market, either from or to domestic or foreign banks, firms, corporations, or individuals, prime bankers' bills, and bills of exchange of the kinds and maturities by this act made eligible for rediscount, and cable transfers.

"Every Federal reserve bank shall have power (a) to deal in gold coin and bullion both at home and abroad, to make loans thereon, and to contract for loans of gold or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of interest-bearing obligations of the United States and of its dependencies when payment of principal and interest is guaranteed by the United States, and bonds or warrants of any State, county, or municipality or short-time interest-bearing obligations issued by foreign governments, with a maturity from date of purchase of not exceeding one year, such purchases to be made in accordance with rules and regulations prescribed by the Federal reserve board; (b) to purchase from a member bank and to sell, with or without its own indorsement, bills of exchange arising out of commercial transactions, as hereinbefore defined; (c) to establish publicly from time to time, subject to review and determination of the Federal reserve board, a rate of discount to be charged by such bank for each class of paper, which shall be fixed with a view of accommodating the commerce of the country and promoting stability in business; and (d) to establish accounts with other reserve banks and with the consent of the Federal reserve board, to open and maintain banking accounts in foreign countries and establish agencies in such countries wheresoever it may deem best for the purpose of purchasing, selling, and collecting bills of exchange, letters of credit, and travelers' checks, and to buy and sell with or without its indorsement, through such correspondents or agencies, bills of exchange arising out of commercial transactions which have not exceeding 90 days to run and which bear the signature of two or more responsible parties.

#### "GOVERNMENT DEPOSITS.

"SEC. 16. That all moneys now held in the general fund of the Treasury, except the 5 per cent fund for the redemption of outstanding national-bank notes and the funds provided in this act for the redemption of Federal reserve notes, shall, upon the direction of the Secretary of the Treasury, be deposited in Federal reserve banks, which banks shall act as fiscal agents of the United States; and thereafter the revenues of the Government shall be regularly deposited in such banks and disbursements shall be made by checks drawn against such deposits.

"The Secretary of the Treasury shall, subject to the approval of the Federal reserve board, from time to time apportion the Government deposits among the said Federal reserve banks, in proportion to their capital stock as far as practicable: *Provided*, That for the purposes of collection and transfer only the Secretary of the Treasury may designate national banks as Government depositories.

#### "NOTE ISSUES.

"SEC. 17. That Federal reserve notes, to be issued under authority of the Federal reserve board for the purpose of making advances to Federal reserve banks as hereinafter set forth, and for no other purpose, are hereby authorized. The said notes shall be obligations of the United States and shall be receivable for all taxes, customs, and other public dues, but shall not be held as reserves by member banks or by a reserve bank. They shall be redeemed in gold on demand at the Treasury Department of the United States, in the city of Washington, D. C., or at any Federal reserve bank.

"Any Federal reserve bank may, upon vote of its directors, make application to the local Federal reserve agent for such amount of the Federal reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal reserve agent of collateral security in amount equal to the sum of the Federal reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes and bills accepted for rediscount under the provisions of this act, and the Federal reserve agent shall each day notify the Federal reserve board

of all issues and withdrawals of Federal reserve notes to and by the Federal reserve bank to which he is accredited. The said Federal reserve board shall be authorized at any time to call upon a Federal reserve bank for additional security to protect the Federal reserve notes issued to it.

"Whenever any reserve bank shall pay out or disburse Federal reserve notes issued to it as hereinbefore provided it shall segregate and turn over to its reserve agent gold coin or gold bullion or United States gold certificates to the amount of the face value of the notes so outstanding, or, at its option, shall segregate and turn over to the reserve agent gold coin or gold bullion or United States gold certificates to the amount of 45 per cent of such face value, and in addition thereto collaterals consisting of promissory notes and bills accepted for rediscount under the provisions of this act, or refunding notes of the United States hereinafter provided for, or both such collaterals and refunding notes equal at their face value to 100 per cent of the face value of the notes so outstanding. Such collaterals may be exchanged from time to time for other collaterals of like quality and of equal face value or refunding notes within the limitations aforesaid: *Provided*, That whenever and so long as such reserve shall fall and remain below 45 per cent the reserve bank shall pay a special tax upon the deficiency of reserve at a rate increasing in proportion to such deficiency, as follows: For each 2½ per cent or fraction thereof that the reserve falls below 45 per cent a tax shall be levied at the rate of 1 per cent per annum: *Provided further*, That no additional circulating notes shall be issued whenever and so long as the amount of such reserve falls below 30 per cent of its outstanding notes: *Provided*, That the amount of such tax paid by the bank during a fiscal year shall be charged to the member banks in its district in proportion to their average discounts during that year. Notes so paid out shall bear upon their faces a distinctive letter and serial number, which shall be assigned by the Federal reserve board to each Federal reserve bank. Whenever Federal reserve notes issued through one Federal reserve bank shall be received by another Federal reserve bank they shall be returned promptly for redemption to the Federal reserve bank through which they were originally issued. No Federal reserve bank shall pay out notes issued through another under penalty of a tax of 10 per cent upon the face value of notes so paid out. Notes presented for redemption at the Treasury of the United States shall be paid out of the redemption fund and shall not be reissued, except upon compliance with the conditions of an original issue.

"Federal reserve banks shall maintain on deposit in the Treasury of the United States a sum in gold equal to 5 per cent of such amount of Federal reserve notes as may be issued to them and outstanding under the provisions of this act, and such additional sums as the Secretary of the Treasury may from time to time decide to be necessary, not exceeding in the aggregate 10 per cent, but such deposit of gold, which shall be segregated and maintained as a trust fund, shall be counted and included as part of the reserve against said notes. The said board shall grant the application of any Federal reserve bank for Federal reserve notes, provided said reserve bank complies with the requirements of this act as to gold reserve and collateral security and otherwise conforms to its provisions. The bank shall be charged with the amount of such notes, which, upon delivery, shall become a first and paramount lien on all the assets of such bank.

"Any Federal reserve bank may at any time reduce its liability for outstanding Federal reserve notes by redeeming the same and depositing them with its Federal reserve agent, who shall forward them to the Treasury for retirement.

"In order to furnish suitable Federal reserve notes the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved in the best manner to guard against counterfeits and fraudulent alterations, and shall have printed therefrom and numbered such quantities of such notes in blank of the denominations of \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, as may be required to supply the reserve banks entitled to receive the same. Such notes shall be in form and tenor provided for in this act.

"When such notes have been prepared, they shall be deposited in the Treasury, or in the subtreasury of the United States nearest the place of business of each reserve bank, and shall be held for the use of such bank, subject to the order of the Federal reserve board for their delivery, as provided by this act.

"The plates and dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws relating to the procuring of such notes, and all other expenses incidental to their issue and retirement, shall be paid by the reserve banks, and the Federal reserve board shall include in its estimate of expenses levied against the reserve banks a sufficient amount to cover the expenses herein provided for.

"The examination of plates, dies, bed pieces, etc., and regulations relating to such examination of plates, dies, etc., of national-bank notes provided for in section 5174, Revised Statutes, is hereby extended to include Federal reserve notes herein provided for.

"Any appropriation heretofore made out of the general funds of the Treasury for engraving plates and dies, the purchase of distinctive paper, or to cover any other expense in connection with the printing of national-bank notes or notes provided for by the act of May 30, 1908, and any distinctive paper that may be on hand at the time of the passage of this act may be used, in the discretion of the Secretary, for the purposes of this act; and should the appropriations heretofore made be insufficient to meet the requirements of this act, in addition to circulating notes provided for by existing law, the Secretary is hereby authorized to use so much as may be necessary of any funds in the Treasury not otherwise appropriated for the purpose of furnishing the notes aforesaid: *Provided, however*, That nothing in this section contained shall be construed as exempting national banks or Federal reserve banks from their liability to reimburse the United States for any expenses incurred in printing and issuing circulating notes.

"Every Federal reserve bank shall receive on deposit from member banks or from reserve banks checks and drafts drawn upon any of its depositors and, when remitted by a reserve bank, checks and drafts drawn by any depositor in any other reserve bank or member bank upon funds to the credit of said depositor in said reserve bank or member bank. Nothing herein contained shall be construed as prohibiting a member bank from making reasonable charges for checks and drafts so debited to its account, or for collecting and remitting funds, or for exchange sold to its patrons. The Federal reserve board may, by rule, fix reasonable charges to be collected by the member banks from patrons whose checks are cleared through the reserve bank and the charge which may be imposed for the service of clearing or collection rendered by the Federal reserve bank. The Federal reserve board shall make and promulgate from time to time regulations gov-

erning the transfer of funds among Federal reserve banks and their branches.

"Sec. 18. That so much of the provisions of section 5159 of the Revised Statutes of the United States and section 4 of the act of June 20, 1874, and section 8 of the act of July 12, 1882, and of any other provisions of existing statutes, as require that before any national banking association shall be authorized to commence banking business it shall transfer and deliver to the Treasurer of the United States a stated amount of United States registered bonds be, and the same is hereby, repealed.

#### "REFUNDING BONDS.

"Sec. 19. That as soon after the organization of the reserve banks as practicable and under authority from the Federal reserve board each Federal reserve bank shall purchase at par and accrued interest 2 per cent bonds of the United States. The amount purchased by each reserve bank shall not be more than 50 per cent of its capital in any one year. The bonds so purchased may be held by such reserve bank and used for deposit with its reserve agent as security for the Federal reserve notes issued, or they may be exchanged at the Treasury for one-year Treasury gold notes bearing 3 per cent interest. In case of such exchange the reserve banks shall be bound at the option of the United States to renew year by year for 20 years the 3 per cent gold notes so issued. Said one-year 3 per cent United States gold notes may be used to deposit with the reserve agent as security for the United States reserve notes, or be freely purchased by reserve banks from time to time to employ idle funds, or sold to protect the gold supply.

"National banks which sell 2 per cent bonds to a reserve bank under this provision shall retire such portion of their outstanding national-bank notes as are secured by the bonds so sold. The Secretary of the Treasury is hereby directed to issue 3 per cent one-year gold Treasury notes year by year to exchange for 2 per cent bonds as above provided or to take the place of 3 per cent one-year gold notes that have been redeemed. During the period between the first and last purchases of bonds any national bank may continue to apply for and receive circulating notes based upon the deposit of 2 per cent bonds as now provided for by law. The one-year 3 per cent gold Treasury notes above provided for shall be exempt from Federal, State, and municipal taxation, both as to income and principal.

#### "BANK RESERVES.

"Sec. 20. That when a Federal reserve bank has been duly organized and established as provided in this act in any Federal reserve district every member bank of that district shall establish and maintain reserves as follows:

"(a) A bank not in a reserve or central reserve city as now or hereafter defined shall hold and maintain reserves equal to 12 per cent of the aggregate amount of its net deposits, as follows:

"In its vaults, four-twelfths thereof.

"In the Federal reserve bank of its district, for a period of six months after said date, one-twelfth, and for each succeeding six months an additional one-twelfth, until four-twelfths have been so deposited, which shall be the amount permanently required.

"After said period said reserves, other than those hereinbefore required to be held in the reserve bank, may be held in the vaults of the member bank or in the Federal reserve bank, or in both, at the option of the member bank.

"(b) A bank in a reserve or a central reserve city, as now or hereafter defined, shall hold and maintain reserves equal to 15 per cent of the aggregate amount of its net deposits, as follows:

"In its vaults, five-fifteenths thereof.

"In the Federal reserve bank of its district, for a period of six months after the date aforesaid, at least one-fifteenth, and for each succeeding six months an additional one-fifteenth, until six-fifteenths have been so deposited, which shall be the amount permanently required.

"After said period all of said reserves, except those hereinbefore required to be held permanently in the Federal reserve bank, may be held in its own vaults or in the Federal reserve bank, or in both, at the option of the member bank.

"If a State bank or trust company is required by the laws of its State to keep its reserves either in its own vaults or with another State bank or trust company, such reserve deposits so kept in such State bank or trust company shall be construed, within the meaning of this section, as if they were reserve deposits in a national bank in a reserve or central reserve city for a period of three years after the establishment of a Federal reserve bank in the district in which such State bank or trust company is situate.

"Sec. 21. That so much of sections 2 and 3 of the act of June 20, 1874, entitled 'An act fixing the amount of United States notes, providing for a redistribution of the national-bank currency, and for other purposes,' as provides that the fund deposited by any national banking association with the Treasurer of the United States for the redemption of its notes shall be counted as a part of its lawful reserve as provided in the act aforesaid, be, and the same is hereby, repealed. And from and after the passage of this act such fund of 5 per cent shall in no case be counted by any national banking association as a part of its lawful reserve.

"Sec. 22. That every Federal reserve bank shall at all times have on hand in its own vaults, in gold, gold certificates, or lawful money, a sum equal to not less than 35 per cent of its net deposits, in addition to the reserve required against the Federal reserve notes emitted by such bank. The term 'net deposits' whenever used in this act shall mean net deposits as from time to time defined by the Comptroller of the Currency, subject to the approval of the Federal reserve board.

"The Federal reserve board may notify any Federal reserve bank whose lawful reserve shall be below the amount required to be kept on hand to make good such reserve; and in the meantime may prohibit such Federal reserve bank from making additional loans or discounts: *Provided, however*, That the Federal reserve board may in case of emergency permit the reserve against deposits to be reduced below the said limit, but the reserve bank shall in such case pay a tax at the rate of 1 per cent per annum for every 2½ per cent or fraction thereof that the reserve falls below said 35 per cent, but in no case shall it be allowed to fall below 25 per cent of its net deposits: *Provided further*, That the amount of such tax paid by the bank during a fiscal year shall be charged to the member banks in the district in proportion to their average discounts during that year.

#### "BANK EXAMINATIONS.

"Sec. 23. That the examination of the affairs of every member bank shall take place at least twice in each calendar year and as much oftener as the Federal reserve board shall consider necessary in order to furnish a full and complete knowledge of its condition. The Federal reserve board may authorize examinations by the State au-

thorities to be accepted in the case of State banks and trust companies and may at any time direct the holding of a special examination. The person assigned to the making of such examination of the affairs of any member bank shall have power to call together a quorum of the directors of such bank, who shall, under oath, state to such examiner the character and circumstances of such of its loans or discounts as he may designate; and from and after the passage of this act all bank examiners shall receive fixed salaries, the amount whereof shall be not less than \$2,000 nor more than \$7,000 per annum and be determined by the Federal reserve board and annually reported to Congress. But the expense of the examinations herein provided for shall be assessed by authority of the Federal reserve board upon the member banks examined in proportion to assets or resources held by such member banks upon the dates when the various banks are examined.

"In addition to the examinations made and conducted by the Comptroller of the Currency, every Federal reserve bank may, with the approval of the Federal reserve agent or of the Federal reserve board, arrange for special or periodical examination of the member banks within its district. Such examination shall be so conducted as to inform the Federal reserve bank under whose auspices it is carried on of the condition of its member banks and of the lines of credit which are being extended by them. Every Federal reserve bank shall at all times furnish to the Federal reserve board such information as may be demanded by the latter concerning the condition of any member bank located within the district of the said Federal reserve bank.

"The Federal reserve board shall, at least once each year, order an examination of each Federal reserve bank, and upon joint application of 10 member banks the Federal reserve board shall order a special examination and report of the condition of any Federal reserve bank.

"SEC. 24. That no member bank, or any officer, director, or employee thereof, shall hereafter make any loan or grant any gratuity to any examiner of such bank. Any bank officer, director, or employee thereof violating this provision shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or fined not more than \$5,000, or both. Any examiner accepting such a loan or gratuity shall be deemed guilty of a misdemeanor and shall be imprisoned not exceeding one year or be fined not more than \$5,000, or both. No such examiner shall perform any other service for compensation for a bank within his jurisdiction while holding such office.

"Other than the usual salary or director's fee paid to any officer, director, or employee of a member bank, and other than a reasonable fee paid to such officer, director, or employee acting as an attorney at law for legal services rendered to such bank, no officer, director, employee, or attorney of a member bank shall be a beneficiary of or receive, directly or indirectly, any fee, commission, gift, or other consideration for or in connection with any transaction or business of the bank. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year, or both.

"Except so far as already provided in existing laws this provision shall not take effect until six months after the passage of this act.

"SEC. 25. That from and after the passage of this act the stockholders of every national banking association shall be held individually responsible for all contracts, debts, and engagements of such association, each to the amount of his stock therein, at the par value thereof, in addition to the amount invested in such stock. The stockholders in any national banking association who shall have transferred their shares or registered the transfer thereof within 60 days next before the date of the failure of such association to meet its obligations shall be liable to the same extent as if they had made no such transfer; but this provision shall not be construed to affect in any way any recourse which such shareholders might otherwise have against those in whose names such shares are registered at the time of such failure. Section 5151, Revised Statutes of the United States, is hereby reenacted except in so far as modified by this section.

#### "LOANS ON FARM LANDS.

"SEC. 26. That deposits in national banks, payable more than 30 days after they are made, shall be known as time deposits, and such banks may continue hereafter as heretofore to receive time deposits and to pay interest on the same. All national banks not located in central reserve cities may make loans, secured by improved, occupied, and unencumbered farm lands situated within the Federal reserve district where the loaning bank is located to the extent of one-half of its value, but no such loan shall be made for a longer period than five years, nor shall the aggregate of such loans by any bank exceed one-third of its time deposits.

"After becoming member banks of any reserve banks, national banks are hereby authorized to act as administrators, executors, or trustees.

#### "FOREIGN BRANCHES.

"SEC. 28. That any Federal reserve bank or national banking association possessing a capital of \$5,000,000 or more may file application with the Federal reserve board, upon such conditions and under such circumstances as may be prescribed by the said board, for the purpose of securing authority to establish branches in foreign countries or dependencies of the United States for the furtherance of the foreign commerce of the United States, and to act, if required to do so, as fiscal agents of the United States. Such applications shall specify, in addition to the name and capital of the banking association filing it, the place or places where the banking operations proposed are to be carried on and the amount of capital set aside by the said banking association filing such application for the conduct of its foreign business at the branches proposed by it to be established in foreign countries. The Federal reserve board shall have power to approve or to reject such application if in its judgment the amount of capital proposed to be set aside for the conduct of foreign business is inadequate or if for other reasons the granting of such application is deemed inexpedient.

"Every national banking association which shall receive authority to establish branches in foreign countries shall be required at all times to furnish information concerning the condition of such branches to the Comptroller of the Currency upon demand, and the Federal reserve board may order special examinations of the said foreign branches at such time or times as it may deem best. Every Federal reserve bank and every such national banking association shall conduct the accounts of each foreign branch independently of the accounts of other foreign branches established by it and of its home office, and shall at the end of each fiscal period transfer to its general ledger the profit or loss accruing at each such branch as a separate item.

"SEC. 29. All provisions of law inconsistent with or superseded by any of the provisions of this act are to that extent and to that extent only hereby repealed: *Provided*, That nothing in this act contained shall be construed to repeal the parity provision or provisions contained in an act approved March 14, 1900, entitled 'An act to define and fix the

standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.'

"SEC. 29a. That the provisions of the act of May 30, 1908, authorizing national currency associations, the issue of additional national bank circulation, and creating a National Monetary Commission, which expires by limitation under the terms of such act on the 30th day of June, 1914, are hereby extended to June 30, 1915.

"SEC. 30. That the right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. MANN. Mr. Speaker—

Mr. GLASS. Mr. Speaker, I move the previous question.

Mr. MANN. Mr. Speaker, if I may explain, the amendment has not yet been read. The proposition which I have offered is what is known as the Hitchcock bill in the Senate, which was voted for in the Senate yesterday by all the Republicans and Senator HITCHCOCK and Senator POINDEXTER. It is only a question of whether it shall be read in full or not, and, unless somebody desires to have it read, I would ask unanimous consent that it be considered as read and published in the Record.

Mr. GLASS. There is no objection on this side, I imagine.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry—

The SPEAKER. The thing to do is to read this amendment, unless some gentleman asks to dispense with the reading.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LEVER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. LEVER. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. Would it be in order at this time to offer a substitute for the amendment offered by the gentleman from Illinois?

Mr. MANN. The gentleman from South Carolina is not entitled to the floor.

Mr. GLASS. Mr. Speaker, I move the previous question on the amendment offered by the gentleman from Illinois.

The SPEAKER. When the time comes, the gentleman has the right to offer an amendment.

Mr. MANN. Mr. Speaker, the gentleman from South Carolina is not entitled to the floor. The gentleman from South Carolina can not take me off the floor. The gentleman in charge of the bill would have the right—

Mr. GLASS. Mr. Speaker, I move the previous question on the amendment proposed by the gentleman—

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Should not the gentleman from Virginia first be recognized before he can move the previous question?

The SPEAKER. The Chair thinks this: The gentleman from Illinois has the floor and he has a right to discuss that amendment and—

Mr. MANN. Then, Mr. Speaker, I move the previous question.

Mr. CRISP. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The previous question having been ordered on this motion, and the House having voted on it, is it in order to have discussion on a motion to instruct?

The SPEAKER. If not, why not?

Mr. CRISP. Because the Chair has ruled that the previous question has cut off all debate, and while a motion of instruction was in order, it was not debatable.

Mr. SAUNDERS. The Chair ruled on that specific point last year, because I made it, and it was overruled.

The SPEAKER. The Chair would like the gentleman from Virginia [Mr. SAUNDERS] to restate his proposition.

Mr. SAUNDERS. I was saying in support of the point of order raised by the gentleman from Georgia [Mr. CRISP] that I wish to cite the Chair to a ruling with that specific intent, that was made by the present occupant of the chair in the last session.

Mr. MANN. Mr. Speaker—

Mr. GLASS. Mr. Speaker, being in charge of the bill, am I not first entitled to recognition?

The SPEAKER. You are, unquestionably.

Mr. GLASS. Then I move the previous question on the amendment offered by the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Virginia [Mr. GLASS] and the gentleman from Illinois [Mr. MANN] both move the previous question.

Mr. CRISP. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. If the motion for the previous question is voted down, will it not then be in order to offer a substitute?

The SPEAKER. Either a substitute or an amendment.

Mr. LEVER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVER. Is it a fact that the only way the House can get a way to instruct the conferees is to vote on the previous question?

Mr. MANN. Not at all. The way to do it is to vote for my motion.

The SPEAKER. The House will be in order. If the gentleman from South Carolina [Mr. LEVER] will state his parliamentary inquiry again, the Chair will try to answer him. What was the parliamentary inquiry?

Mr. LEVER. The parliamentary inquiry is this: Whether or not it is a fact that the only way to get a vote on my proposition to instruct the conferees on agricultural loans and loans on farm loans is by voting down the previous question?

The SPEAKER. That is correct.

Mr. MURDOCK. The regular order.

Mr. MURRAY of Oklahoma. Mr. Speaker, another parliamentary inquiry.

Mr. FITZGERALD. Mr. Speaker, how does the Chair know that is not in the motion now pending to instruct the conferees?

The SPEAKER. The Chair does not know what is in the motion that is pending—

Mr. MANN. I do.

The SPEAKER (continuing). And nobody else does except the gentleman from Illinois.

Mr. MURDOCK. Mr. Speaker, I make a point of order.

The SPEAKER. What is the point of order?

Mr. MURDOCK. The point of order is that the previous question is not debatable.

The SPEAKER. Nobody has said that it was. [Laughter.] These gentlemen are making parliamentary inquiries.

Mr. MURRAY of Oklahoma. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURRAY of Oklahoma. The Chair a moment ago, as I understood, stated the only way to offer other instructions was to vote down this question. Now, I understand the rule to be that whatever may be the vote on the motion of the gentleman from Illinois [Mr. MANN] other instructions might be raised?

The SPEAKER. That question has not been raised. The question is on the motion for the previous question.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MURDOCK. I demand the yeas and nays.

Mr. GLASS, Mr. CRISP, and Mr. BYRNES of South Carolina asked for a division.

Mr. RAGSDALE. The yeas and nays, Mr. Speaker.

The SPEAKER. If the gentlemen will take their seats, the Chair will state the question. The noes seem to have it.

Mr. GLASS. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Virginia [Mr. GLASS] asks for a division.

The House divided; and there were—yeas 109, noes 101.

Mr. RAGSDALE, Mr. HARDWICK, and Mr. LEVER demanded the yeas and nays.

The SPEAKER. The yeas and nays are demanded.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the previous question were ordered on this amendment and it should be voted down, could instructions then be given with reference to other portions of the bill under the rules of the House? I ask that question so that we can understand the parliamentary situation.

The SPEAKER. Will the gentleman state his inquiry over again? There is so much noise that the Chair was unable to understand him clearly.

Mr. GARNER. My inquiry was this: If the motion of the gentleman from Illinois [Mr. MANN] should be voted down, then would the conferees be subject to instructions from the House, under the rules of the House, if some gentleman desiring to give them instructions should get recognition from the Chair?

Mr. MANN. Mr. Speaker, if the gentleman will permit, if the previous question should be voted down, it would be in order to amend.

Mr. GARNER. I said if the motion of instructions offered by the gentleman from Illinois [Mr. MANN] to instruct the conferees should be voted down.

The SPEAKER. Immediately after the motion for the previous question is voted down, the motion of the gentleman from Illinois [Mr. MANN] can be substituted for it.

Mr. UNDERWOOD. Mr. Speaker, may I submit a unanimous-consent agreement?

The SPEAKER. Yes.

Mr. UNDERWOOD. I ask unanimous consent, Mr. Speaker, that after the motion of the gentleman is disposed of the House may dispose of the motion to instruct by the gentleman from South Carolina [Mr. LEVER], and that the previous question be ordered on that.

The SPEAKER. In answer to the parliamentary inquiry propounded by the gentleman from Texas [Mr. GARNER], the Chair will state that if the previous question is voted down, then the motion for instructions offered by the gentleman from Illinois can be substituted for it.

Mr. GARNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the motion to instruct offered by the gentleman from Illinois [Mr. MANN] is voted down, then, under the rules of the House, could the gentleman from South Carolina [Mr. LEVER] offer a motion to instruct the conferees with reference to other portions of the bill?

The SPEAKER. The Chair just answered that question. What is the request of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. UNDERWOOD. I ask unanimous consent, Mr. Speaker, that the motion of the gentleman from Illinois [Mr. MANN] and the motion of the gentleman from South Carolina [Mr. LEVER] may both be considered pending and both be voted on and the previous question considered as ordered on both of them.

Mr. LEVY rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LEVY. I want my amendment to go in also.

Mr. MURDOCK. Reserving the right to object, Mr. Speaker—

Mr. LEVY. I will withhold my amendment, Mr. Speaker.

The SPEAKER. If gentlemen want business transacted they must be in order. What is the parliamentary inquiry of the gentleman from Kansas [Mr. MURDOCK]?

Mr. MURDOCK. I have made no parliamentary inquiry. I reserved the right to object, in order to ask the gentleman from Alabama [Mr. UNDERWOOD] what are the amendments of the gentleman from South Carolina [Mr. LEVER].

Mr. UNDERWOOD. I just stated that he proposed to move to instruct the conferees that they agree to these provisions in the bill that relate to agricultural credits.

Mr. RAGSDALE. And the extension of five years on loans on farm lands.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to know what the propositions are. We have a right to know that.

Mr. MANN. Well, Mr. Speaker, to save trouble I will ask for the regular order.

Mr. LEVER. Mr. Speaker, I ask that the amendments be read.

The SPEAKER. The gentleman from Illinois asks for the regular order.

Mr. CRISP. Mr. Speaker, the regular order was demanded. I call the attention of the Chair to the fact that the regular order was on my demand for the yeas and nays on the previous question.

The SPEAKER. The Chair understood that, and was going to put the question; but the Chair can not put the question with six or eight gentlemen speaking at once.

Mr. UNDERWOOD. Mr. Speaker, if the House will pardon me, I think it is evident that a large number of gentlemen want to vote on this particular instruction. I do not think that right ought to be taken away from them. My purpose in asking unanimous consent was to avoid a long roll call, because I think the motion to order the previous question ought to be voted down, considering the number of gentlemen who want to vote on this other question. I wish to avoid a long roll call, and therefore I ask unanimous consent that both propositions be considered as pending, with the previous question ordered.

Mr. MANN. Reserving the right to object, Mr. Speaker—

Mr. MURRAY of Oklahoma. I wish to include in that two motions that I have written out.

The SPEAKER. Will the gentleman from Oklahoma [Mr. MURRAY], instead of paying attention to other Members, talk direct to the Speaker?

Mr. MURRAY of Oklahoma. I shall be glad to, Mr. Speaker. I have two amendments written out. I thought, in view of the motion I made in the beginning, that I would possibly be recognized by the Chair. I never dreamed that the majority leader would undertake to make propositions as he did in order to eliminate me. I have written these motions, and I would like to have them included in the gentleman's proposition for

yeas and nays, so that they may all be considered together. I have no objection to other gentlemen offering amendments.

I have no objection to what they have offered. One of them is an amendment providing that the formation of the board shall remain as provided by the Senate amendment. The other is with reference to the disqualification of Members of the House and Senate to become members of any of the regional reserve boards.

Mr. GLASS. Mr. Speaker, personally I have not the slightest objection in the world to instructions from this House upon the two propositions—of a six months' discount on agricultural paper and five years on farm loans. [Applause.] Nobody has been authorized to say that I would object to that in conference if I were one of the conferees. I do not think any such instruction is at all necessary, but I have no objection to receiving an instruction from the House on those two points; but I shall object if the instructions are to be extended to other matters.

Mr. MURRAY of Oklahoma. Mr. Speaker, these questions will all be submitted, and under the rules gentlemen have the right to a division of them and vote on them separately, voting down those they do not want and voting for the ones they do want.

Mr. MANN. Mr. Speaker, reserving the right to object, I will say now that I shall not consent to ordering the previous question on a lot of amendments which have not yet been read, when nobody on this side of the House knows what is in them. That is a preposterous proposition.

Mr. LEVER. I ask unanimous consent—

The SPEAKER. The request of the gentleman from Alabama is pending.

Mr. MANN. I have objected to that.

The SPEAKER. The gentleman from Illinois objects. For what purpose does the gentleman from South Carolina [Mr. LEVER] rise?

Mr. LEVER. I ask unanimous consent that my amendment may be read for the information of the House in response to the request of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from South Carolina asks unanimous consent that his amendment may be read for the instruction of the House. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. LEVER moves that the conferees of the House be, and they are hereby, instructed to agree in conference to the provisions of the Senate amendment extending the time on loans secured by agricultural products, on page 85, lines 11 to 19, inclusive, and on loans on farm lands, on page 108, lines 16 to 26, inclusive.

Mr. MURRAY of Oklahoma. Now, I will ask the Clerk to read the first part of the instruction I sent up there that is not included in the other motion.

The SPEAKER. Is there objection to the reading of the amendment of the gentleman from Oklahoma?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

By Mr. MURRAY of Oklahoma: Page 74, that the conferees be instructed to concur in the Senate amendment to section 10, creating the Federal reserve boards.

Mr. MURRAY of Oklahoma. I will ask the Clerk to read the other one right there, that they did not include.

The Clerk read as follows:

Page 63, line 3, after the word "bank," that the conferees be instructed to agree to lines 4, 5, 6, and 7, as provided by the Senate amendment, in these words:

"No Senator or Representative in Congress shall be a member of the Federal reserve board, a director of a Federal reserve bank, or an officer or director of any member bank."

The SPEAKER. The question is on ordering the yeas and nays on the motion for the previous question.

The yeas and nays were ordered.

The SPEAKER. The question is on ordering the previous question. The Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 259, answered "present" 2, not voting 90, as follows:

YEAS—83.

Anderson	Curry	Hamilton, Mich.	Kennedy, R. I.
Austin	Danforth	Hamilton, N. Y.	Kent
Avis	Davis	Hardy	Kincaid, N. J.
Baltz	Dyer	Haugen	Kreider
Bartholdt	Esch	Hays	Langham
Beakes	Fitzgerald	Hinds	Langley
Booher	French	Howell	Lewis, Pa.
Borland	Gardner	Hulings	McAndrews
Burke, S. Dak.	George	Humphrey, Wash.	McGuire, Okla.
Butler	Glass	Johnson, Utah	Mann
Campbell	Good	Johnson, Wash.	Moore
Cantor	Greene, Mass.	Kahn	Mott
Carew	Greene, Vt.	Kelster	Oglesby
Cline	Griest	Kelley, Mich.	Parker
Cox	Guernsey	Kennedy, Iowa	Payne

Platt	Sinnott
Riordan	Slomp
Roberts, Mass.	Smith, Idaho
Rogers	Smith, Saml. W.
Sells	Stephens, Cal.
Shreve	Stevens, Minn.

Sutherland	Walsh
Switzer	Willis
Talcott, N. Y.	Winslow
Townner	Woods
Treadway	Young, N. Dak.
Volstead	

NAYS—259.

Abercrombie	Eagan	Kirkpatrick	Reilly, Wis.
Adamson	Edwards	Kitchin	Rothermel
Alken	Evans	Konop	Rouse
Ashbrook	Faison	Korbly	Rubey
Aswell	Falconer	La Follette	Rucker
Baker	Farr	Lazaro	Rupley
Barkley	Fergusson	Lee, Ga.	Russell
Barnhart	Ferris	Lenroot	Saunders
Barton	Fields	Leshner	Scott
Bathrick	Finley	Lever	Seldomridge
Beall, Tex.	FitzHenry	Levy	Shackelford
Bell, Cal.	Flood, Va.	Lieb	Sharp
Bell, Ga.	Floyd, Ark.	Lindbergh	Sherley
Blackmon	Foster	Lindquist	Sherwood
Bowdle	Fowler	Linthicum	Sims
Brockson	Francis	Lloyd	Sisson
Brodbeck	Frear	Lobeck	Slyden
Brown, N. Y.	Gard	Logue	Sloan
Browne, Wis.	Garner	Lobergan	Small
Brumbaugh	Garrett, Tex.	McClellan	Smith, J. M. C.
Bryan	Gilmore	McCoy	Smith, Md.
Buchanan, Tex.	Gittins	McDermott	Smith, Minn.
Burgess	Godwin, N. C.	McGillcuddy	Smith, Tex.
Burke, Wis.	Goeke	McKellar	Sparkman
Burnett	Goldfogle	McKenzie	Stafford
Byrnes, S. C.	Goodwin, Ark.	McLaughlin	Stanley
Byrns, Tenn.	Gordon	MacDonald	Stedman
Callaway	Goulden	Maguire, Nebr.	Steenerson
Candler, Miss.	Graham, Ill.	Manahan	Stephens, Miss.
Caraway	Gray	Mapes	Stephens, Nebr.
Carlin	Green, Iowa	Mitchell	Stephens, Tex.
Carter	Gregg	Montague	Stevens, N. H.
Cary	Griffin	Moon	Stone
Casey	Gudger	Morgan, La.	Stout
Church	Hamlin	Morgan, Okla.	Sumners
Clark, Fla.	Hammond	Morrison	Taggart
Claypool	Hardwick	Moss, W. Va.	Tavener
Clayton	Harrison	Murdock	Taylor, Ala.
Coady	Hart	Murray, Mass.	Taylor, Ark.
Collier	Hawley	Murray, Okla.	Taylor, Colo.
Connelly, Kans.	Hay	Neeley, Kans.	Temple
Connolly, Iowa	Hayden	Neely, W. Va.	Thacher
Conry	Heflin	Nelson	Thomas
Cooper	Helgesen	Nolan, J. I.	Thompson, Okla.
Copley	Helvering	Norton	Thomson, Ill.
Covington	Hensley	O'Hair	Townsend
Cramton	Hill	Oidfield	Tribble
Crisp	Hinebaugh	O'Shaunessy	Underhill
Crosser	Holland	Padgett	Underwood
Cullop	Houston	Page, N. C.	Walker
Decker	Howard	Palmer	Walters
Deitrick	Hughes, Ga.	Park	Watkins
Dent	Hull	Patton, Pa.	Watson
Dershem	Humphreys, Miss.	Peters, Mass.	Weaver
Dickson	Igoe	Phelan	Webb
Dies	Jacoway	Post	Whaley
Diefenderfer	Johnson, Ky.	Pou	Whitacre
Dillon	Johnson, S. C.	Prouty	White
Dixon	Keating	Quin	Williams
Donovan	Kelly, Pa.	Ragsdale	Wilson, Fla.
Dooling	Kennedy, Conn.	Rainey	Wingo
Doolittle	Kettner	Raker	Witherspoon
Doremus	Key, Ohio	Rayburn	Woodruff
Doughton	Kindel	Reed	Young, Tex.
Driscoll	Kinkaiaid, Nebr.	Reilly, Conn.	

ANSWERED "PRESENT"—2.

Browning

Garrett, Tenn.

NOT VOTING—90.

Adair	Curley	Hughes, W. Va.	Pepper
Ainey	Dale	Jones	Peters, Me.
Alexander	Davenport	Kiess, Pa.	Peterson
Allen	Donohoe	Knowland, J. R.	Plumley
Ansherry	Dunn	Lafferty	Porter
Anthony	Dupré	Lee, Pa.	Powers
Balley	Eagle	L'Engle	Rauch
Barchfeld	Edmonds	Lewis, Md.	Richardson
Bartlett	Elder	Loft	Roberts, Nev.
Borchers	Estopinal	Madden	Sabath
Bremner	Fairchild	Mahan	Scully
Britten	Fess	Maher	Smith, N. Y.
Broussard	Fordney	Martin	Stringer
Brown, W. Va.	Gallagher	Merritt	Talbot, Md.
Bruckner	Gerry	Metz	Taylor, N. Y.
Buchanan, Ill.	Gillett	Miller	Ten Eyck
Bukley	Gorman	Mondell	Tuttle
Burke, Pa.	Graham, Pa.	Morin	Vare
Calder	Hamill	Moss, Ind.	Vaughan
Cantrill	Helm	O'Brien	Wallin
Carr	Henry	O'Leary	Wallin, N. Y.
Chandler, N. Y.	Hobson	Paige, Mass.	
Clancy	Hoxworth	Patten, N. Y.	

The following additional pairs were announced:

Until further notice:

Mr. DUPRÉ with Mr. MONDELL.

Mr. PETERSON with Mr. PLUMLEY.

Mr. ADAIR with Mr. ANTHONY.

Mr. VAUGHAN with Mr. CALDER.

Mr. BARTLETT with Mr. ROBERTS of Nevada.

On this vote:

Mr. TALBOTT of Maryland (against the previous question) with Mr. MADDEN (for the previous question).

Mr. GARRETT of Tennessee. Mr. Speaker, I voted "no" on this roll call. I have a pair with the gentleman from Michigan, Mr. FORBNEY, and I wish to withdraw that vote and answer "present."

The result of the vote was then announced as above recorded.

Mr. MANN. Mr. Speaker, am I not entitled to recognition? I have submitted a motion to instruct, and the gentleman from Virginia in charge of the bill moved the previous question; and having been defeated, am I not entitled to the floor?

The SPEAKER. Unfortunately, the gentleman from Illinois moved the previous question at the same time.

Mr. MANN. I would have moved it, but I withdrew it, because I was not entitled to the floor.

Mr. LEVER. Mr. Speaker, I offer the language which I have sent to the desk as a substitute for the proposition of the gentleman from Illinois, and on that I demand the previous question.

The SPEAKER. The gentleman from South Carolina offers a substitute for the motion of the gentleman from Illinois, and on that moves the previous question.

Mr. MURRAY of Oklahoma. Mr. Speaker, I offer as an amendment to the substitute of the gentleman what I send to the Clerk's desk.

The SPEAKER. The Clerk will report the motion of the gentleman from South Carolina.

The Clerk read as follows:

Mr. LEVER moves that the conferees of the House be, and are hereby, instructed to agree in conference to the provision of the Senate amendment extending the time on loans secured by agricultural products, on page 85, lines 11 to 19, inclusive, and on loans on farm lands, on page 108, lines 16 to 28, inclusive.

Mr. MANN. Mr. Speaker, I make the point of order that that amendment is not in order. It is not an amendment to the motion I make.

The SPEAKER. The point of order is overruled.

Mr. MANN. Will the Speaker hear me?

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, I offered a motion to instruct, including an entire bill, known in the Senate as the Hitchcock amendment or the Hitchcock bill. That bill includes as a part of it, and it is included in my motion, language which the gentleman from South Carolina [Mr. LEVER] now offers as an amendment to it. One of the provisions in my motion, included in the Hitchcock bill, is as follows:

Nothing herein contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise from being eligible for such discount—

And so forth.

Notes and bills admitted to discount under the terms of this paragraph must have a maturity at the time of discount of not more than 180 days: *Provided, however,* That not more than 50 per cent of the paper discounted for any member bank shall have a maturity exceeding 90 days, and in no case shall any member bank have more than \$200,000 of rediscounts having a maturity longer than 90 days.

Another provision included in the Lever amendment, identical with the motion that I have offered, is:

That deposits in national banks, payable more than 30 days after they are made, shall be known as time deposits, and such banks may continue hereafter as heretofore to receive time deposits and to pay interest on the same. All national banks not located in central reserve cities may make loans, secured by improved, occupied, and unencumbered farm land situated within the Federal reserve district where the loaning bank is located to the extent of one-half of its value, but no such loan shall be made for a longer period than five years, nor shall the aggregate of such loans by any bank exceed one-third of its time deposits.

I contend that where I have offered a motion the gentleman can not take out of that a few sentences and offer it as an amendment to my motion. My motion of instruction covers the identical language, word for word, to the dotting of the i's and the crossing of the t's, that the gentleman from South Carolina now offers as an amendment to my motion.

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

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

The SPEAKER. To whom does the gentleman yield?

Mr. MANN. Either fair charmer.

Mr. HARDWICK. Suppose the gentleman had moved, as he has in a different way, to instruct the conferees to agree upon three propositions; would it not then be in order for any gentleman on either side of the House to move to amend by striking out two of his propositions and leaving the other, and is not that what we are trying to do in this case?

Mr. MANN. But that is not the proposition that is pending. The gentleman may move to strike out all he pleases and that would be in order because that would be germane, but what he moves is to insert as an amendment something already in the motion.

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

Mr. MANN. Certainly.

Mr. CRISP. The gentleman from Illinois is arguing the motion as it was read from the Clerk's desk, but that is not the way the gentleman from South Carolina offered it.

Mr. MANN. Of course, I am not responsible for that.

Mr. CRISP. But the gentleman offered it as a substitute for the gentleman's entire motion to instruct the conferees. The amendment was prepared before the gentleman had offered instructions, and the Record will show that the gentleman from South Carolina offered it as a substitute for the gentleman's instructions.

Mr. MANN. Of course, if it is offered because that side of the House is afraid to let the minority offer a bill, I can not complain about it.

The SPEAKER. The point of order is overruled, and the vote is on ordering the previous question.

Mr. MURRAY of Oklahoma. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise? Mr. MURRAY of Oklahoma. I want to say it occurs to me that the motion for the previous question in connection with another motion ought not to lie, on principle.

The SPEAKER. But it was not annexed to it. The gentleman from South Carolina made two separate motions, which he had the right to do.

Mr. MURRAY of Oklahoma. But he made them in the face of an effort upon my part to get recognition to offer an amendment. I offered an objection and then made a motion to concur in the Senate amendment. The Chair very properly overruled me, because it involved two motions, or was tantamount to two motions. I made them separately, just as he made them separately.

The SPEAKER. If the gentleman will permit, the cases are not alike. The practice is universal that where a gentleman gets the floor and offers a proposition the motion for the previous question can be immediately made. The gentleman from Oklahoma had two substantive propositions and he was trying to get them in at one time.

Mr. MURRAY of Oklahoma. I know, but I offered one of them as an amendment.

The SPEAKER. That was voted on, was it not?

Mr. MURRAY of Oklahoma. No.

Mr. MANN. No; he has not had a chance to offer it yet.

The SPEAKER. If the gentleman has not offered it, that is another matter. There is a great difference between sending up something to have it read and offering it.

Mr. MURRAY of Oklahoma. A moment ago those motions were all read, and then we voted on this matter of the previous question and voted down the motion for the previous question.

The SPEAKER. They were read by unanimous consent for the information of the House.

Mr. MURRAY of Oklahoma. That is true; but they were read for the information of the Chair and the House, with the understanding they would be offered at this time.

The SPEAKER. Well, the Chair knows. The gentleman said he was going to offer them. That is all right; he is going to offer them if he gets a chance.

Mr. MANN. Vote down the previous question and you can offer them.

The SPEAKER. Under the parliamentary situation the question is on ordering the previous question.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 181, noes 93.

So the previous question was ordered.

The SPEAKER. The question is on the substitute offered by the gentleman from South Carolina [Mr. LEVER].

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 211, noes 51.

So the substitute was agreed to. [Applause.]

The SPEAKER. The question is on—

Mr. MURRAY of Oklahoma. Mr. Speaker, now I move that additional instructions—

Mr. MANN. Mr. Speaker, I make the point of order, there is no motion in order now.

Mr. MURRAY of Oklahoma. Well, wait until I get through.

Mr. MANN. We have not disposed of this matter yet.

The SPEAKER. The question is on the proposition of the gentleman from Illinois as amended by the substitute offered by the gentleman from South Carolina.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia will state it.

Mr. CRISP. An affirmative vote on that instructs the conferees to agree to the Lever instructions. Is that a correct interpretation of the parliamentary situation?

Mr. MANN. That is correct.

Mr. LEVER. It is an affirmative vote—

The SPEAKER. Will the gentleman from Georgia state it over again?

Mr. CRISP. If the motion the Speaker is about to put is adopted, the vote on that is to instruct the conferees to agree to the Lever instructions?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Would the effect of the adoption of the Lever amendment be to prevent any vote upon the motion which I offered?

The SPEAKER. Why, the Chair was just going to put it.

Mr. MANN. No; upon the motion which I offered?

The SPEAKER. The Chair is inclined to think that the adoption of the substitute ends it.

Mr. MURRAY of Oklahoma. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MURRAY of Oklahoma. I understand that the Chair rules that the adoption of the substitute carries the motion without a further vote. Is that correct?

The SPEAKER. The question is on the proposition of the gentleman from Illinois as amended by the substitute offered by the gentleman from South Carolina.

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

Mr. MURRAY of Oklahoma. Mr. Speaker, now I move as additional instructions to the conferees the propositions I have sent to the Clerk's desk to have read.

Mr. HARDWICK. Mr. Speaker, I raise the question of order.

The SPEAKER. The point of order is sustained; you can not have two sets of instructions.

Mr. MURRAY of Oklahoma. Mr. Speaker, is there nothing under the rules by which a motion to do the will of this House can be made?

The SPEAKER. It can be done; the gentleman has his opportunity.

Mr. MURRAY of Oklahoma. I realize—

The SPEAKER. The House had its opportunity on the Lever substitute and on the motion for the previous question. Now, it has been decided before the present Speaker got in the chair—

Mr. MURRAY of Oklahoma. I apprehend I would have been ruled out of order, according to what had been said before; but I want to call attention to the fact that this House, under this rule, can not do what it wants to do.

The SPEAKER. This House can always do what it wants to do.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it in order for the gentleman from Oklahoma to say that the House can not do what it wants to do by ordering the previous question, when he himself has just voted for it? [Laughter.]

Mr. MURRAY of Oklahoma. The difference is that I am unselfish myself, even if the other gentleman is selfish.

Mr. MANN. I will say to the gentleman if I am selfish I am not aware of the fact.

The SPEAKER. The House will be in order. The situation was this, and the Chair had stated it in answer to a parliamentary inquiry made by the gentleman from Texas [Mr. GARNER], that if the previous question prevailed on the Lever substitute it shut off all other amendments, but that if the previous question was voted down then the whole thing was open.

Mr. MURRAY of Oklahoma. But, Mr. Speaker—

The SPEAKER. But the House chose to vote the previous question up, and then the vote on the substitute, and then the vote on the motion of the gentleman from Illinois as a substitute.

Mr. MURRAY of Oklahoma. Mr. Speaker, under every courtesy of this House, seniority rule, so to speak—

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the appointment of the conferees.

Mr. NEELEY of Kansas. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. NEELEY of Kansas. To send a motion to the desk.

Mr. MANN. I make the point of order that there is no motion now in order.

The SPEAKER. The point of order is sustained.

Mr. HARDWICK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARDWICK. A motion to give the Chair instructions about the number of conferees would now be in order. This is probably a motion to increase the number of conferees.

The SPEAKER. For the information of the House, the Speaker will order the Clerk to read the motion of the gentleman from Kansas.

The Clerk read as follows:

*Resolved*, That the Speaker name a conference committee composed of nine members of the Banking and Currency Committee to meet with a like committee of the Senate.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that that motion is not in order.

Mr. HARDWICK. I want to be heard, if the gentleman makes it seriously.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] makes a point of order that the resolution is not in order, and the gentleman from Georgia [Mr. HARDWICK] desires to be heard. The Chair will hear him.

Mr. HARDWICK. Mr. Speaker, the rules provide that conference committees and other special committees shall be appointed by the Speaker unless otherwise directed by the House.

Ordinarily, in the absence of instructions from the House, the Speaker would appoint such number of conferees as he saw proper; but now, just as the Speaker is about to make the appointment, is the only time and way that the House can express itself as to what its desires are in the premises, so that under the rule it must be in order at this juncture for the House to determine how many conferees we shall have, and even who they may be. The House could name them if it saw fit to do so. It seems to me the motion of the gentleman from Kansas [Mr. NEELEY] is not only in order but is pertinent at this juncture.

Mr. UNDERWOOD. Mr. Speaker, the point of order I make is this: The Speaker, unless directed otherwise, has the appointment of the committee. I take it that is clear under the rules.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MANN. The gentleman is slightly in error.

Mr. UNDERWOOD. I am not quoting exactly, but—

Mr. MANN. The rule is:

The Speaker shall appoint all select and conference committees which shall be ordered by the House from time to time.

It is absolute; not conditional.

Mr. HARDWICK. I would like to inquire, if the gentleman will yield—

Mr. UNDERWOOD. I will say to the gentleman that I was under the impression the change that was made in the rules of the last Congress was carried in the rules of this Congress.

Mr. FITZGERALD. That was as to standing committees.

Mr. UNDERWOOD. No; as to special committees. I think the rules of the last Congress authorize—

Mr. MANN. I referred to the last Manual, which has the rules of the last Congress.

Mr. GARRETT of Tennessee. Will the gentleman permit an interruption? I think the differences can be explained in this way: The rules of the House prior to the Sixty-second Congress provided that at the beginning of each Congress, unless otherwise ordered, the Speaker should appoint the standing committees.

Mr. MANN. That is the old rule.

Mr. GARRETT of Tennessee. That was the old rule with regard to the standing committees. The rules never did provide, and do not now provide, any conditions as to the Speaker appointing any conference committee.

Mr. MANN. Prior to 1880 the rules did provide the House could name conferees, but that has not been the rule since that time.

Mr. GARDNER. Mr. Speaker—

The SPEAKER. The gentleman from Massachusetts.

Mr. GARDNER. I make the point of order that this is a change in the rules of the House, and as such it must go to the Committee on Rules.

The SPEAKER. The point of order is sustained, and the Chair announces the names of the following gentlemen as the conferees on the part of the House: Mr. GLASS, Mr. KORBLY, and Mr. HAYES.

INDIAN TUBERCULOSIS SANITARIUM (H. DOC. NO. 505).

Mr. STEPHENS of Texas. Mr. Speaker, I desire to present a privileged report from the special committee for the investigation of Indian matters, and ask that it be printed.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

Report of the Joint Commission on Indian Tuberculosis Sanitarium and Yakima Indian Reservation Project.

The SPEAKER. The report is ordered printed and referred to the House Calendar.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. 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. 10523, the District of Columbia appropriation bill.

Mr. MANN. Oh, let us quit.

Mr. GARNER. Oh, no; let us pass this bill to-day.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia bill. The question is on agreeing to that motion.

The motion was agreed to.

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

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, when the consideration of the appropriation bill for the District of Columbia was interrupted by the bringing in of the currency bill I was addressing the Chair, and I now wish to continue along the same line which I then contemplated.

A bill was introduced into the House by the gentleman from Missouri [Mr. BORLAND], numbered H. R. 10234. In regular order that bill was referred to the Committee on the District of Columbia. The gentleman from Missouri came before the committee and said that he was anxious to have the bill considered by the House District Committee, with a view to getting it upon the calendar, in order that it might be offered as an amendment to the District appropriation bill, which was then about to be brought in.

Mr. Chairman, I am addressing my remarks to the Chair and ask his attention.

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

The CHAIRMAN. Does the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE. Mr. Chairman, I would like to make a parliamentary inquiry of the Chair.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. In view of the confusion in the House and our inability to understand what is going on, I ask the parliamentary status.

The CHAIRMAN. The Chair will state that earlier in the day he sustained a point of order made by the gentleman from Illinois [Mr. MANN] against the amendment offered by the gentleman from Missouri [Mr. BORLAND]. The gentleman from Kentucky [Mr. JOHNSON] thereupon took the floor and is proceeding—

Mr. MOORE. To discuss the point of order?

The CHAIRMAN. The Chair is not aware of the exact import of the gentleman's discussion.

Mr. MOORE. Then, may I interrupt the gentleman from Kentucky for a moment? Will he yield?

The CHAIRMAN. Does the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MOORE. I ask the gentleman from Kentucky whether he is discussing the point of order?

Mr. JOHNSON of Kentucky. Yes; and—

Mr. MOORE. Because it is impossible for us on this side to hear him. Or is he discussing the five-minute rule?

Mr. JOHNSON of Kentucky. I am discussing the point of order.

Mr. MOORE. A parliamentary inquiry, Mr. Chairman. May I inquire what is the point of order? The gentleman from Kentucky says he is discussing the point of order.

The CHAIRMAN. There is no point of order pending now, as the Chair understands.

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

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

Mr. JOHNSON of Kentucky. No; I must go on with my remarks.

Mr. MOORE. Mr. Chairman, another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is it proper for the gentleman from Kentucky or any other gentleman to discuss a point of order when the Chair declares that there is no point of order?

Mr. JOHNSON of Kentucky. Mr. Chairman, I decline to be interrupted further. I have the floor. I offer an amendment.

Mr. PAGE of North Carolina. I reserve a point of order against the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk began the reading of the amendment.

Mr. BORLAND. Let me suggest to the gentleman from Kentucky that he has not indicated where the amendment goes in. It should go in at the end of line 11, page 20.

Mr. JOHNSON of Kentucky. That is where we are in the reading of the bill; it can not be inserted elsewhere.

The Clerk resumed the reading of the amendment.

Mr. BORLAND. Mr. Chairman, I desire to call the attention of the Chair to the fact that this amendment is offered by the chairman of the Committee on the District of Columbia, and he is offering as an amendment the bill as it came from that committee. The Clerk is reading a portion of the bill which is stricken out by the committee and not the bill as it came from the committee. He ought to read the bill as it was perfected by the committee.

The CHAIRMAN. The Clerk will only read the portions not stricken out.

Mr. MANN. I reserve a point of order on the amendment.

Mr. PAGE of North Carolina. I have reserved a point of order.

The CHAIRMAN. The gentleman from North Carolina and the gentleman from Illinois both reserve points of order.

The Clerk resumed and completed the reading of the amendment.

The amendment is as follows:

Insert at the end of line 11, page 20, the following:

"That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments herein provided for shall be levied and paid for in the following manner, namely: Where the width of the roadway actually to be paved is 40 feet or less between the curbs, or between the gutters, where no curbs exist, after deducting the amount required to be paved by the street railway companies, the total cost of the work, including the expenses of assessments, shall be assessed against the abutting property owners, one-half to each side; where the width of the street thus to be paved, after deducting the amount required to be paved by the street railway companies, shall exceed 40 feet, the cost of construction as herein provided for shall be levied and paid for as follows: The cost of constructing 20 feet on each side of said street shall be assessed against the abutting property owner, and the cost of paving the remaining portion of said street, including the cost of intersections, shall be paid for by the government of the District of Columbia out of funds available for that purpose.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for non-payment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as now provided by law: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the fund available for similar public work."

Mr. PAGE of North Carolina. Mr. Chairman, because of the fact that I could not catch the amendment as it was read, I want to inquire at this juncture if this is identical in terms with the Borland amendment, which has been offered heretofore?

Mr. JOHNSON of Kentucky. It is an exact copy of it.

Mr. MANN. With a slight difference.

Mr. JOHNSON of Kentucky. Perhaps with the failure to erase the word "that" at the beginning.

Mr. MANN. There is a greater difference than that, to which I will call attention later.

Mr. JOHNSON of Kentucky. Whether it is identical or not is not material. This amendment stands on its own merits, regardless of the amendment which has been held not to be in order.

Mr. Chairman, in arguing the point of order which the Chairman must determine, I do not believe it can be done in a better way than to give a plain history of this amendment just as it has come to the point where it has been offered as an amendment to the District appropriation bill.

While the District Committee was in session, the gentleman from Missouri [Mr. BORLAND] came before the committee and asked that a bill which he had introduced, relative to the subject of assessments of benefits being levied against abutting property

where streets were to be improved, be taken up for consideration then and there. A motion was made in the committee to take up the bill for consideration. The bill was taken up for consideration and amended. The gentleman from Missouri [Mr. BORLAND], being present all the time, asked that the bill be amended so as to make it germane to the District appropriation bill, and that the motion which was to follow should also embrace the instruction that it be reported to this committee by the House District Committee as an amendment to this bill. Thereupon the motion which the gentleman from Missouri [Mr. BORLAND] asked to be made was made. That motion was adopted. I am now offering this amendment in the name of the House District Committee, that amended bill having been heretofore favorably reported to the House and put upon the calendar.

Mr. PAGE of North Carolina. May I interrupt the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. Yes.

Mr. PAGE of North Carolina. I understand from the statement just made by the gentleman from Kentucky that he, as chairman of the Committee on the District of Columbia, was instructed by his committee to offer this bill as an amendment to the District appropriation bill.

Mr. JOHNSON of Kentucky. The suggestion was made by the gentleman from Missouri [Mr. BORLAND] to the House District Committee that this bill be amended and thereby put in such shape as to be germane to this feature of the bill, and that that be done for the purpose of offering it as an amendment to this bill at this stage. That motion was then made and unanimously adopted by the committee, and I am now undertaking to carry out the instructions of the resolution adopted by the House District Committee.

Mr. MONDELL. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MONDELL. Do I understand that the gentleman was authorized by his committee, at a meeting of the committee, to offer this as an amendment to this bill?

Mr. JOHNSON of Kentucky. The House District Committee has been authorized, by a motion adopted by the committee, to offer this bill as an amendment to the District appropriation bill.

Mr. MONDELL. Was that action taken at a regular meeting of the committee, at which a quorum was present?

Mr. JOHNSON of Kentucky. That action was taken at a meeting of the committee, in answer to written notices sent out the day before, and in answer to telephone calls to each and every member of that committee before it met upon that morning, and in the presence of a quorum.

Mr. MOORE. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] Sixty-four Members present; not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Doremus	Hoxworth	Pepper
Adamson	Driscoll	Hughes, W. Va.	Peters, Me.
Ainey	Dunn	Humphrey, Wash.	Plumley
Alexander	Dupré	Johnson, S. C.	Porter
Allen	Eagan	Jones	Post
Ansberry	Eagle	Key, Ohio	Pou
Anthony	Edmonds	Kiess, Pa.	Powers
Bailey	Elder	Kinkaid, Nebr.	Rauch
Barchfeld	Estopinal	Knowland, J. R.	Richardson
Bartholdt	Fairchild	Konop	Riordan
Bartlett	Fess	Korbly	Roberts, Nev.
Bathrick	Fordney	Langham	Rothermel
Borchers	Frear	Lazaro	Rucker
Bremner	Gallagher	Lee, Pa.	Sabath
Britten	Gardner	L'Engle	Scully
Brodbeck	Garrett, Tex.	Lever	Seldomridge
Broussard	Gerry	Lewis, Pa.	Sells
Brown, W. Va.	Gillett	Loft	Shackleford
Bruckner	Gittins	McGulre, Okla.	Sherley
Buchanan, Ill.	Glass	McLaughlin	Shreve
Bulkley	Goldfogle	Madden	Smith, Md.
Burke, Pa.	Goodwin, Ark.	Mahan	Smith, N. Y.
Butler	Gorman	Maher	Stout
Calder	Graham, Pa.	Manahan	Stringer
Campbell	Gregg	Martin	Sutherland
Candler, Miss.	Griest	Merritt	Taggart
Cantrill	Guernsey	Metz	Talbot, Md.
Carew	Hamill	Miller	Taylor, Ala.
Church	Hamlin	Morin	Taylor, Ark.
Clancy	Hardwick	Morrison	Taylor, Colo.
Clayton	Hart	Moss, Ind.	Vare
Curley	Helgesen	Moss, W. Va.	Vaughan
Dale	Helm	Neely, W. Va.	Wallin
Danforth	Helvering	O'Leary	Wilson, N. Y.
Dershem	Henry	O'Shaunessy	Woodruff
Difenderfer	Hobson	Palge, Mass.	Young, Tex.
Donohoe	Howard	Patten, N. Y.	
Dooling	Howell	Payne	

During the call of the roll the following occurred:

Mr. STAFFORD. Mr. Chairman, I understand this is a call of the names of Members who failed to answer on the first call. I wish to direct the attention of the Chairman to the fact that when a quorum appears in committee but one call of the roll is necessary, and I cite to the Chair the fourth volume of Hinds' Precedents.

Mr. FOSTER. Mr. Chairman, I make the point of order that the gentleman can not interfere with the roll call.

The CHAIRMAN. It has been the practice of the House, without objection on the part of anyone, to call the names of those who failed to respond the first time.

Mr. STAFFORD. We are wasting time in calling the roll, and if you have time to waste on that side, of course we have.

The Clerk proceeded and completed the calling of the roll. The committee rose; and the Speaker having resumed the chair, Mr. HULL, 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. 10523, the District of Columbia appropriation bill, and, finding itself without a quorum, the roll had been called, whereupon 285 Members answered to their names, and he reported the names of the absentees.

Mr. MOORE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Pennsylvania moves that the House do now adjourn.

The question was taken; and on a division, demanded by Mr. MOORE, there were 20 ayes and 127 noes.

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

The SPEAKER. The gentleman from Pennsylvania demands the yeas and nays.

The question was taken, and seven Members arose in the affirmative, and the yeas and nays were refused.

Mr. MOORE. Mr. Speaker, I make the point of order of no quorum.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that after the committee rises and a quorum is reported to be present there is no motion in order except the motion to adjourn, and if that be voted down it does not require a quorum to go back into committee.

Mr. MANN. It does not require a quorum to go back into committee.

The SPEAKER. The House will resolve itself into Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. HULL] in the chair.

Mr. PAGE of North Carolina. Mr. Chairman, I ask unanimous consent that I may address the committee for three minutes.

Mr. RAGSDALE. Mr. Chairman, I object.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

Mr. PAGE of North Carolina. Mr. Chairman, I desire to address myself to the amendment.

Mr. MANN. Mr. Chairman, I ask to be recognized on the point of order. Of course, the amendment can not be voted on until the point of order is disposed of.

The CHAIRMAN. No point of order having been made, the Chair did not feel called upon to rule.

Mr. MANN. I reserved the point of order, and the gentleman from North Carolina [Mr. PAGE] made the point of order on the amendment.

The CHAIRMAN. The gentleman from North Carolina, as the Chair understood, also reserved the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I really reserved the point of order. I may have said that I made it, but my desire was to reserve it.

Mr. MANN. I understood that the gentleman from Kentucky argued the point of order, and I desire to be heard for a moment on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. Mr. Chairman, the amendment offered by the gentleman from Kentucky provides that hereafter whenever appropriations are made by Congress for roadway improvement or resurfacing the amount shall be collected by a tax levied on the abutting property. I contend that the amendment is not germane to a provision making a specific appropriation. The amendment proposed now by the gentleman is not confined to the items in this bill, and is not confined to the appropriations made even for the ensuing fiscal year, is not confined to the appropriations for this year, but provides for taking effect whenever the bill takes effect—that all street improvements hereafter made out of any appropriations made by Congress in any way, either for the current year or the ensuing fiscal year or a succeeding fiscal year, shall be raised by special assess-

ment upon the abutting property. I contend that is not germane to a provision making a specific appropriation in this bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, upon the raising of the question as to whether this amendment is germane, I wish to say that I can not imagine how anybody can conceive the idea that it is not germane. To be germane it must simply relate to the same subject matter. The subject matter which is here sought to be amended is payment for the building of streets. The amendment offered deals with no other subject than the manner in which the building of streets shall be paid for. If this amendment is not germane to the subject of paying for streets, then one can not be drawn that would be germane, because this amendment deals with nothing else than that subject. The gentleman from Illinois in his remarks emphasizes the word "hereafter." That cuts no figure in this case, because this amendment comes from the legislative committee having jurisdiction over such matters, and in the amendment legislation is permissible under the Holman rule. It need not come from the committee having legislative jurisdiction of the matter if there is no new legislation in it. The rule provides that legislative matter may be tacked onto an appropriation bill if it comes from the committee having legislative jurisdiction of the subject matter. This fully meets that requirement.

The CHAIRMAN. The gentleman from Illinois makes the point of order against the amendment offered by the gentleman from Kentucky upon the ground that it is not germane. The pending bill contains a provision appropriating money for the improvement and repair of streets, avenues, and roads. The amendment seeks to add to the provision and to some extent to modify the provision of this section of the bill to which it is offered by enacting a provision of law requiring that assessments be made upon the landowners of property abutting the improvements. The question of germaneness is the only question raised by the point of order.

Mr. MANN. Mr. Chairman, the Chair will recognize that we argued at length yesterday the question as to whether this amendment retrenches expenditures. That was argued at length, and while it was not argued again to-day, that point is still supposed to be before the Chair.

Mr. PROUTY. Mr. Chairman, if that point of order is to be made and argued, I want to be heard on that particular phase of it. I understood that was not raised to-day.

Mr. MANN. Mr. Chairman, I have no desire to argue it further, so far as I am concerned, but, of course, that is one of the points of order that is made. We would not argue it for two hours and then suppose that it was abandoned.

Mr. PROUTY. The ruling went off on another point.

Mr. MANN. I understand; but the same question we argued yesterday is involved in this amendment.

Mr. PROUTY. Yes; but it would apply unless urged.

Mr. MANN. Oh, it would apply.

Mr. PROUTY. It would not apply unless it is urged, and the gentleman raised the point of order that it was not germane.

Mr. MANN. Mr. Chairman, I beg the gentleman's pardon. I made the point of order, and I argued the germaneness. I did not suppose it was necessary to repeat the argument which I made yesterday, and I shall not do it, even to delight my friend from Iowa.

The CHAIRMAN. Then the Chair will also undertake to dispose of the other ground suggested by the gentleman from Illinois, as to whether the effect of the proposed amendment will be to retrench expenditures within the meaning of the rule. On the first question of germaneness, the Chair is of opinion that if the amendment would retrench expenditures within the meaning of the rule it would also be germane to this paragraph of the bill. It relates solely and alone to the question of improving the streets, avenues, roads for which an appropriation is being made, and seeks to modify the existing law; and if in doing so it retrenches expenditures, the Chair is of the opinion that that objection is not tenable. The proviso of clause 2 of Rule XXI is to the effect—

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 amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

This last clause evidently means the retrenchment not only of appropriations or expenditures contained in the bill, but expenditures under the operation of the existing general law taken in connection with the provisions of the pending measure. The Chair finds from an examination of a number of precedents undertaking to define the scope and meaning of the term "retrenchment of expenditures" that it is not to be taken in that precise literal sense which would perhaps result in restricting the proper and logical scope of its operation. The Chair

will not stop to read the precedents. It is apparent that if the General Government and the District of Columbia should shift a substantial portion of the expenses of improving the streets, avenues, and roads of the District of Columbia to the abutting property owners, a correspondingly less amount would have to be appropriated annually out of the funds of the District of Columbia to the extent of one-half and the remainder out of the Treasury of the United States. The Chair thinks it necessarily follows that the effect of the operation of the proposed amendment, keeping in view the existing general law applying to the District of Columbia and the administration of its different bureaus, divisions, and departments, together with the pending measure, it would result in retrenching expenditures within the meaning of the proviso of clause 2, Rule XXI, and therefore the Chair overrules the point of order. The question is on the adoption of the amendment offered by the gentleman from Kentucky.

Mr. MANN. Mr. Chairman, I would just like to call attention to one effect of the amendment without arguing the general proposition—

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

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. No. Under this amendment if we should pave or resurface to-day, which possibly may be done some time, the road out here in front of the Capitol or the roads around the White House or the roads around in front of the public buildings in Washington, the District Commissioners are required to levy a tax against them, and if it is not paid they are to be sold for nonpayment of taxes. It is the first time I have ever heard of a body giving to a little municipality the power to sell the capitol of the State, but here is a proposition which would permit the sale to a tax buyer of the White House and the Capitol of the United States. It is certainly not a very well guarded provision.

Gentlemen will say Congress will make an appropriation. Well, possibly. I have heard a great many people say now Congress will make an appropriation, but I have noticed a very great disregard of those promises in the course of time. There ought not to be the power given to the District commissioners in Washington under any circumstances to levy a special assessment or taxes against Government property and authorize that to be sold.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FITZGERALD. Does not this apply only in those cases where this work is done upon the application of the property owners?

Mr. MANN. That is not the case at all. It is wherever any roadway is improved or resurfaced the commissioners are required to take this action.

Mr. FITZGERALD. That is in connection with the appropriation to which it attaches.

Mr. MANN. It is not confined to the appropriation. We have just been arguing that. It applies to all cases in the District where there is a paving or resurfacing. That is not all. There is no assessment levied anywhere in the United States for street paving—no special assessment, at least—where the property owners do not have an opportunity to be heard and say whether their property is benefited; but under this provision the District commissioners, against the will of every property owner in the block, may force an asphalt pavement upon them and levy a special assessment against them which they can not contest in court.

They can have no hearings as to whether their property is to be benefited or as to whether the street is to be paved. After the pavement is put in the commissioners levy what they call a special assessment, but what is in effect a special tax, against these property owners, and they are required to pay it, with no opportunity to be heard by any court in the land.

Mr. PAGE of North Carolina. Mr. Chairman—

The CHAIRMAN. The gentleman from North Carolina [Mr. PAGE] is recognized.

Mr. PAGE of North Carolina. Mr. Chairman, so far as the merits contained in the amendment now pending are concerned, I want to confess that I am in sympathy with them. But I do want to say in this connection that I shall oppose the amendment. I shall oppose it, not because I am opposed to the provisions that it carries but because of the criticism of the District of Columbia appropriation bill during all the years I have served in this body—and that criticism has come mostly even from gentlemen who are now urging this amendment—as to substantive legislative propositions carried in such bill.

Time and time again during the hearings that were held by the subcommittee framing this bill, when those urging proposi-

ions that carried substantive legislative propositions brought them to our attention, we told them unhesitatingly that this committee would not undertake to consider propositions of a legislative character and referred them to the legislative committee having jurisdiction over these particular matters, namely, the committee presided over by my distinguished friend the gentleman from Kentucky [Mr. JOHNSON]. Now, in this instance, having guarded this bill against legislative provisions, believing, as I do, that it is not good legislative practice to legislate upon an appropriation bill, but bringing it into this House clear of these provisions which would establish here a precedent for this kind of legislation upon appropriation bills, we are met by the very gentlemen who have contended against this practice with an effort to place upon this bill substantive legislative propositions. And, as I said in the beginning, so far as the merits of this proposition are concerned, I would favor them if they were brought in as a legislative proposition separate from this bill.

But I contend that this is not the place to legislate, and gentlemen in this House have time and time again contended with me against legislative propositions in an appropriation bill.

It is a strange situation in which we find ourselves. One would naturally conclude that these gentlemen were opposed to legislative propositions in an appropriation bill that did not meet their approval, but that they were heartily in favor of legislative propositions if they happened to meet their approval. And I appeal to this membership to sustain the committee, which brought this bill in without legislative propositions, and defeat this amendment. I believe, as I have said repeatedly, that it is bad practice. The gentlemen have a favorable report from the legislative committee having jurisdiction of this matter. They have two days in every month in which they can call up from the calendar the bills that they have reported to this House, and these propositions can be considered upon their merits and class as legislative propositions.

I contend, Mr. Chairman, however meritorious this legislation may be; however beneficial it might be to the Treasury; however just the provisions it places on the property owners of this District, this is not the place for that, and this House should not legislate upon this appropriation bill.

I do not know that there is anything further I care to add. I am not antagonizing the provisions of the bill. I want that distinctly understood. But I am antagonizing the effort on the part of gentlemen who heretofore have fought legislative provisions upon this bill. Because of consideration for them, as well as for consideration for the rules of this House, the committee formulating this bill has met their objections by bringing in a bill clear of these provisions. Now, I want to be consistent, and I believe they ought to be consistent, and that this committee ought to be consistent, and keep out of this bill substantive legislative propositions.

Mr. JOHNSON of Kentucky. Mr. Chairman, for some years, whenever a District appropriation bill has been before this body for consideration I have stood here day in and day out, week in and week out, insisting upon respect for the rules of this House. My contention has never been other than that the rules of this House should be observed. I am here to-day, in offering this amendment, complying to the strict letter of the rules governing this body. Heretofore substantive legislation has found its way into appropriation bills contrary to the rules of this House. The piece of legislation that is now proposed has just been decided by the Chairman to be within the rules of this House. The gentleman from North Carolina [Mr. PAGE], who is in charge of this bill, and who has just stated that he is in favor of its terms, provided it came in another way, should not be forgetful that this amendment is not now contrary to the rules of this body, but is in full compliance with those rules. I insist that Members vote their sentiments, and not undertake to get behind the subterfuge that heretofore objection has been made to substantive legislation in appropriation bills.

Under the ruling just made by the Chair the legislation proposed in the amendment offered by me is not contrary to the rules, but is within them, and Members who cast their votes for this amendment are not now violating any parliamentary rule.

Mr. BORLAND and Mr. MCCOY rose.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized.

Mr. BORLAND. Mr. Chairman, the very purpose of the Holman rule, I want to say to my colleague from North Carolina [Mr. PAGE], is to permit legislation being put upon appropriation bills if it has the purpose of retrenching public expenditures.

The evil that has been complained of heretofore, when the Democratic side of the House was fighting this practice of overloading appropriation bills with legislation, was the evil of

putting on legislation which increased public expenditures. Every one of those bills that came in in the past, during the time I was a Member of this House under the Republican régime, contained items of new legislation increasing public expenditures in violation of the rules of the House.

But the Holman rule is intended for the sole purpose of permitting legislation—something which is broader than mere limitation—substantive legislation, if it has the effect of retrenching or reducing expenditures; and we have declared by an almost united party action that that was our principle, that legislation of that character really belonged upon an appropriation bill. We have denominated it "legislation." We have met that issue fairly by the adoption of the Holman rule, and if now that Holman rule is to be abrogated by a rule of the committee to the effect that it will not put on any legislation, even though it retrench expenditures, it is still within the power of any Member of Congress under the rules of the House to offer such legislation; and that is the very scope and purpose, I might say, of this proposition.

Now, as to the argument of the gentleman from Illinois [Mr. MANN], that some one could sell Government buildings in the National Capital for nonpayment of such assessments for street paving, it is probably so long since my friend from Illinois read the celebrated case of McCullough against Maryland and the opinion of the Chief Justice in that case that he has forgotten that local power can seize any of the property of the United States.

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

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

Mr. BORLAND. No. The gentleman from Illinois declined to yield to me.

Mr. MANN. I did not.

Mr. BORLAND. I asked the gentleman to yield.

Now, we have been operating for 14 years in this District, since the year 1894, under a law which is just this law exactly—a law applying to assessments for sidewalks. That law is found in volume 28 of the Statutes at Large, on page 244. It is referred to specifically in this amendment, which is an amendment proper to be used in this case, so that under the gentleman's contention for 19 years we have been in danger of having our public buildings sold for the nonpayment of a sidewalk tax. Of course, no such state of affairs ever existed or can exist under the law as it now stands or under such amendments to it as may from time to time be made in pursuance of it.

Mr. SISSON. It does not change it now.

Mr. BORLAND. No; as the gentleman from Mississippi says, it does not change it now. There is not much objection to this proposition, even at this late day, on the merits. I want to say that when I introduced this bill a year ago it provided that only one-half of the expense of the street pavement should be incurred at the cost of the abutting property owner. The District Committee, clothed with discretion to consider this bill, in its wisdom changed that to a charge on the property owner for the improvement of the street for an average width of 40 feet.

It has been contended—and even as late as to-night's Washington papers—that because Washington has very wide streets this law is unjust. I want to tell you that is a chimera. Washington has on paper a number of wide streets, but in practice the width of the streets has been reduced by throwing the extra land back into the front yards of property owners, and the average road that is improved is only an average roadway. If any gentleman looks at Massachusetts Avenue, or any other of the avenues that are supposed to be of unusual width, on paper, he will see that the property owner, without tax or charge, is enjoying a large front yard which he actually uses as his own property. That is what becomes of your wide streets. They are not improved at the expense of the abutting property owners, and will not be.

But there is another feature that is of great interest in connection with this matter, and that is the schedule as to what is to be paved under this appropriation.

Mark, gentlemen, these are the streets that the District Commissioners say are to be paved with asphalt under this appropriation. There are about 20 of them. Listen to the width that is going to be paved:

Northwest section: V Street from Tenth Street to Florida Avenue, 32 feet; Warner Street from New Jersey Avenue to Fifth Street, 30 feet; K Street from Washington Circle to Twenty-eighth Street, 50 feet; I Street from Twenty-sixth Street to Virginia Avenue, 38 feet.

Southwest section: Howison Place, M Street to N Street, 24 feet; M Street from Half Street to First Street, 35 feet; K Street from Four-and-a-half Street to Eighth Street, 30 feet.

Northeast section: Thirteenth Street from B Street to C Street, 35 feet; Ninth Street from H Street to K Street, 32 feet;

K Street from Seventh Street to Tenth Street, 40 feet; Tennessee Avenue from B Street to D Street, 40 feet.

Southeast section: Massachusetts Avenue from Thirteenth Street to Fourteenth Street, 40 feet; New Jersey Avenue from M Street to N Street, 40 feet; Pennsylvania Avenue (south side) from end of pavement to bridge, 32 feet; I Street from Eleventh Street to Thirteenth Street, 34 feet; E Street from Seventeenth Street to Eighteenth Street, 35 feet; Thirteenth Street from Pennsylvania Avenue to Potomac Avenue, 32 feet; I Street from Sixth Street to Seventh Street, 32 feet; Potomac Avenue from Eighth Street to Ninth Street, 40 feet.

Georgetown: Wisconsin Avenue from Thirty-fourth Street to Thirty-fifth Street, 35 feet.

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

Mr. BORLAND. I ask for five minutes more.

Mr. MANN. I hope the gentleman will get his five minutes, although he was discourteous to me.

Mr. BORLAND. I have had no intention to be discourteous to the gentleman, but I did not like his refusal to yield to me.

Mr. MANN. I did not refuse to yield to the gentleman.

Mr. BORLAND. Then I am mistaken. I am very glad to learn that.

There is only one of these streets that is wider than 40 feet in its roadway, and that is the handsome K Street. I undertake to say that on K Street the property bears a relatively high value on account of the extra width, so that it could bear the extra cost. But on K Street, under the liberal proposal of this amendment, they will only pay for 40 feet of pavement, so that there can be no injustice done even to the fortunate owners of property on K Street.

Mr. STAFFORD. Will the gentleman yield?

Mr. BORLAND. I will yield in a minute to my friend from Wisconsin. It has been said also that somebody or other might own a wedge at the corner of an avenue where it intersected a street. Why, bless your soul, the United States Government owns nearly all of those wedges, and now it is proceeding to buy all the rest of them that it can buy. They are in the hands of the Federal Government; but wherever those wedges are in the hands of private owners, on account of the extra light and air that they have around them they have an increased value and they sell for an unusually high price, more than enough to absorb a dozen such expenses as this pavement.

Now I will yield to my friend from Wisconsin.

Mr. STAFFORD. In the enumeration that the gentleman gave, did he include the so-called avenues, or only the so-called streets?

Mr. BORLAND. I took this illustration verbatim from the official statement of the commissioners as to the streets proposed to be paved.

Mr. STAFFORD. Take, for instance, the Avenue of the Presidents, Rhode Island Avenue, Vermont Avenue, New Jersey Avenue.

Mr. JOHNSON of Kentucky. Will the gentleman from Missouri yield to let me answer that question?

Mr. BORLAND. I yield to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. I will say in answer to the gentleman from Wisconsin that a few days ago I saw the statement made in a report by one of the officers of the District of Columbia to Congress that certain additional appropriations were asked for because of the extreme width of the avenues in the District of Columbia. I addressed a written communication to that official, and asked him to name to me the avenues that were 160 feet wide, as he said. His answer was that Pennsylvania Avenue is the only one, except five or six squares of Louisiana Avenue.

Mr. STAFFORD. There are some in excess of 40 feet, however.

Mr. BORLAND. Mr. Chairman, I must decline to yield further.

Mr. STAFFORD. Will the gentleman answer my question? Are there not some in excess of 40 feet?

Mr. BORLAND. Yes; I undertake to say that the Avenue of the Presidents is paved in excess of 40 feet, and so is K Street and Massachusetts Avenue.

Mr. JOHNSON of Kentucky. But will the gentleman from Missouri explain that the property owners will not have to pay for paving more than 40 feet.

Mr. BORLAND. The property will justify a greater expenditure than that, on account of its greater value, but it is limited to 40 feet, anyway.

Mr. STAFFORD. Why should you limit it to 40 feet? Those owning property on the wide avenues are more able to pay than the people who live on the narrower side streets.

Mr. BORLAND. That is a concession to a clamor that I do not regard as sound, that because a man lives on a street of extra width he ought to be treated with some special consideration; but I point it out for the purpose of showing that under no circumstances is any injustice done on account of the width of the avenues.

Mr. ROBERTS of Massachusetts. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. ROBERTS of Massachusetts. I am asking for information. The gentleman has been speaking of K Street. That calls to my mind the fact that between Thirteenth and Fourteenth Streets, K Street on one side is bordered by a public park.

Mr. JOHNSON of Kentucky. Franklin Park, owned by the Government of the United States, and the United States will have to pay for that.

Mr. BORLAND. The chairman of the District Committee suggests that Franklin Park is a Government reservation, and that the private owners would not have to pay for it, but that the Government would have to pay for it. I take it that is true of many of these other wide streets. I think there is hardly a municipality in the country outside of Washington where the property owner does not pay for the special improvements abutting on his own property, and I think that rule ought to be applied, with some limit of fairness, to the property in the District of Columbia. I hope the amendment will pass. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I believe my distinguished friend from Missouri is an able lawyer, and probably he has forgotten more law than I ever knew. Evidently he has forgotten all he knew on this subject. He said that the Supreme Court of the United States has made a decision which would affect this case. I challenge the gentleman to produce any decision of the Supreme Court which shows that Congress can not pass a law authorizing the sale for taxes of Government property belonging to the United States.

Mr. BORLAND. And I challenge the gentleman to point out where we have undertaken to do any such thing.

Mr. MANN. I will do it.

Mr. BORLAND. And I will show, further, that the defect, if it is a defect, exists in the present law; the same law precisely.

Mr. MANN. The gentleman's bill provides that all the costs shall be assessed against the abutting property owners. Then it provides for the collection of the assessment through the sale of the property by reference to the statutes that require the District Commissioners, in the case of Franklin Park named, to assess one-half the cost of paving K Street against Franklin Park, and if the assessment is not paid it requires the District Commissioners to sell the property. It will not be the first time that public property has been sold for special assessments. Property of cities is sold for special assessments constantly. The property of a municipality is sold for special assessments constantly; but here is a proposition to permit the District Commissioners to sell the property of the United States. It is not customary anywhere that I know of to permit a municipality to order the sale of property belonging to the superior organization. Now, if the gentleman from Missouri will produce the decision, I will eat the book. [Laughter.]

The CHAIRMAN. Debate is exhausted on this amendment. Mr. Sisson. Mr. Chairman, I move to strike out the last word.

Mr. FOSTER. Mr. Chairman, do I understand that all debate on this amendment is exhausted?

The CHAIRMAN. The Chair has so stated.

Mr. FOSTER. Then, a motion to strike out the last word in order to debate is not in order?

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

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. Sisson. Mr. Chairman, I think it is fair to state, not only for this Committee on Appropriations, but for the District Committee, that when we were discussing the assessment and improvement item under the bill your subcommittee decided that that law in reference to the present assessment and improvement should be changed. We then conferred with the chairman of the District Committee and asked him, so that the item might be in order under the Holman rule, to report such a bill. The District Committee in drafting the measure went further than the Appropriations Committee asked it to do by including

practically in that bill all the streets of the city of Washington. That was not the request of the subcommittee nor of the members of the subcommittee, but the District Committee having the full right under the Holman rule and the holding of the Chair to do this, this is as properly before the House as any item in the bill, because we are proceeding under the rules of the House to consider this, and this bill is as much before the House as any item in the bill.

The purpose of the Holman rule was to permit this sort of legislation on an appropriation bill, because the English-speaking people have been able to retrench expenses by putting riders on appropriation bills.

The law in relation to the sale of property in this bill is identical with the present law in relation to assessments relating to streets and sidewalks, because it refers specifically to the provision read by the gentleman from Missouri [Mr. BORLAND]. The power of the District Commissioners is not enlarged, except that a greater amount is assessed against the property owners. In other words, the power now in the commissioners is as great as it would be if this amendment were agreed to.

If the amendment is agreed to, it simply means that the Federal Government will respond as the property owners do when a street in front of Government property is improved. It now responds as property owners do in a street in front of Government property if the improvement is made, and therefore the power the gentleman from Illinois refers to is not a power greater than the commissioners after this amendment is agreed to. Now, this is a question whether, under the Holman rule, we will take this opportunity where we may have a chance to get it through the other body or not. If this bill goes over to the other body by itself, the chance of ever writing it into law is very shadowy and distant, so far as the future is concerned. But if it is put on this bill, the chances are that it may become a law in the District of Columbia bill.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. SISSON. I will.

Mr. PAGE of North Carolina. Does not the same reason prevail in another body for placing on the bill riders that they may become a law?

Mr. SISSON. That is true; and if they do it under their rules, they are responsible for it. But, Mr. Chairman, I do not like that privilege to be exercised there and we not to have the same right here. If they put on amendments over there which increase expenses of the Federal and the District governments, then the House of Representatives, if they are an economical body, ought to have the right to meet that with the corresponding rule to reduce expenses. In other words, to use a homely expression, "What is sauce for the goose ought to be sauce for the gander."

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Certainly.

Mr. GREEN of Iowa. Do I understand the gentleman to say this amendment is the same in form as the provision for other assessments for sidewalks?

Mr. SISSON. No. I said the powers vested by this amendment in the District Commissioners are identical with the powers now vested in the commissioners. It does not change the power of the District Commissioners to make the assessment. It simply changes the amount that may be assessed against the property owner.

Mr. GREEN of Iowa. The point I had reference to was that this amendment simply contains a provision for publishing notice of the assessment.

Mr. SISSON. I did not say that.

Mr. GREEN of Iowa. No; the gentleman did not say that. I am saying it. It does not state what the notice shall be. It does not provide for any hearings.

Mr. SISSON. The general law here—

Mr. GREEN of Iowa. Oh, the general law is not made a part by this amendment.

Mr. SISSON. The power of the District Commissioners and the manner are provided for in another section of the District law.

Mr. GREEN of Iowa. But it was not provided in this amendment.

Mr. SISSON. This is simply for the purpose of enabling this power of the District Commissioners to be enlarged, so that they may levy the assessment against the property owner, and they do that by assessing it all in the exact manner that they assess a part of it now. There is no difference in procedure. The only difference is in the amount to be paid by the property owners.

Mr. SIMS. Mr. Chairman, I would like to address the committee for five minutes.

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

Mr. SIMS. I shall have to take it on the next paragraph. It makes no difference. No time will be saved. It is pertinent here. I would like to have five minutes.

The CHAIRMAN. The gentleman from Maryland objects, and the question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. LEVY) there were—ayes 30, noes 40.

Mr. JOHNSON of Kentucky. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. PAGE of North Carolina. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CULLOP having assumed the chair as Speaker pro tempore, Mr. HULL, 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. 10523, the District appropriation bill, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. PORTER, for five days, on account of sickness in his family.

To Mr. L'ENGLE, for the day, on account of illness.

#### COMMISSION OF FINE ARTS (H. DOC. NO. 461).

The SPEAKER pro tempore laid before the House the following, which the Clerk reported:

Ordered, That House Document No. 461, the report of the Commission of Fine Arts, be printed with illustrations.

Mr. MANN. That was not ordered before?

The SPEAKER pro tempore. The matter went before the Senate and was referred back, as it contained illustrations.

Mr. MANN. I know what took place in the Senate. The Senate did not order it printed, because they said the House had ordered it printed.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

#### EXTENSION OF REMARKS.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my remarks in the Record on the currency bill, having had that permission granted last session, but having failed to take advantage of it.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, having to-day been denied the opportunity to address the House and again denied the right to the floor when I was entitled to it, the minority having had no opportunity this afternoon, I object.

Mr. FOWLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FOWLER. Mr. Speaker, during the discussion of the banking and currency bill in the House I made a speech and obtained permission to extend my remarks in the Record. My parliamentary inquiry is, as the banking and currency bill has now finally been disposed of, have I that privilege now?

The SPEAKER pro tempore. The Chair would say with reference to the leave given to the gentleman at that time that the time has expired, and if the gentleman desires that permission new leave would have to be given.

Mr. MANN. I have no doubt some arrangement may be made by which leave will be granted to everybody, but it will not be granted to the majority and not to the minority.

Mr. FOWLER. Mr. Speaker, the parliamentary inquiry is, as I understand the rule, when unanimous consent is obtained to extend remarks in the Record upon any bill this right obtains until five days after the bill has finally passed.

The SPEAKER pro tempore. The Chair will say to the gentleman that the rule is exactly the reverse. The time extended to the gentleman was five days after the passage of the bill and was in another session of Congress. That time has expired and the leave is abrogated because of the rule itself.

Mr. FOWLER. But, Mr. Speaker, the bill has not been passed yet.

The SPEAKER pro tempore. It was passed by the House and the purpose of the gentleman's leave has been fulfilled, although the gentleman did not take advantage of it.

Mr. FOWLER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FOWLER. Does not that rule obtain until five days after the passage of the bill by both Houses instead of by one of the Houses?

The SPEAKER pro tempore. It does not.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment a bill of the following title:

H. R. 11003. An act to provide for expenses of representatives of the United States at the International Maritime Conference for Safety of Life at Sea.

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

Senate concurrent resolution 11.

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate 1,000 additional copies of Senate Document No. 357, volumes 1 and 2, Sixty-first Congress, and Senate Document No. 1063, Sixty-second Congress, being a compilation of the treaties, conventions, international acts, protocols, and agreements between the United States of America and other powers from 1776 to 1913; and that the superintendent of documents is hereby authorized to order reprinted such copies of the foregoing documents as may be required for sale by his office in accordance with law.*

Senate concurrent resolution 12.

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Congress 80,000 copies of the Federal reserve act in pamphlet form, to be apportioned as follows: Thirty-five thousand copies for the use of the House of Representatives, 20,000 copies for the use of the Senate, 5,000 copies for the use of the Committee on Banking and Currency of the Senate, 5,000 copies for the use of the Committee on Banking and Currency of the House, 5,000 copies for the use of the document room of the Senate, and 10,000 copies for the use of the document room of the House.*

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following joint resolution:

H. J. Res. 165. Joint resolution for recognition of the services of the late David Du B. Gaillard, lieutenant colonel, Corps of Engineers, United States Army, as a member of the Isthmian Canal Commission, and for the relief of Mrs. Katherine Davis Gaillard.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11003. An act to provide for expenses of representatives of the United States at the International Conference for Safety of Life at Sea.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED.

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

S. 3454. An act authorizing the Secretary of Commerce to lease to the city of Port Angeles, Wash., certain property; to the Committee on the Public Lands; and

S. Con. Res. 11. Concurrent resolution authorizing the printing of additional copies of Senate Document No. 357, Sixty-first Congress, and Senate Document No. 1063, Sixty-second Congress, being a compilation of treaties, conventions, etc., between the United States and other powers; to the Committee on Printing.

ADJOURNMENT.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned to meet on Monday, December 22, 1913, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a communication of the Secretary of the Interior of the 15th instant submitting a supplemental estimate of appropriation in the sum of \$5,000 for the preservation, development, administration, and protection of the national monuments created under the provisions of the act of June 8, 1906 (34 Stats., 225), entitled "An act for the preservation of American antiquities" (H. Doc. No. 506); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication of the Secretary of War of the 16th instant submitting an urgent deficiency appropriation required by the Isthmian Canal Commission for the current fiscal year under item 4 of the appropriations made by the sundry civil

act of June 23, 1913, being for skilled and unskilled labor on the Isthmus, etc., \$2,250,000 (H. Doc. No. 507); to the Committee on Appropriations and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. McCOY, from the Committee on the Judiciary, to which was referred the bill (H. R. 10946) to regulate the judicial procedure of the courts of the United States, reported the same without amendment, accompanied by a report (No. 157), which said bill and report were referred to the House Calendar.

Mr. POST, from the Committee on Elections No. 1, to which was referred the resolution (H. Res. 356) to dismiss the charges filed by John P. Grace against Richard S. Whaley be dismissed, reported the same without amendment, accompanied by a report (No. 158), which said resolution and report were referred to the House 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. STEPHENS of Texas: A bill (H. R. 11093) to amend an act entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation in the State of Washington, and for other purposes"; to the Committee on Indian Affairs.

Also, a bill (H. R. 11094) for the relief of the Turtle Mountain Chippewa Indians, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 11095) to authorize the Secretary of the Interior to expend the proceeds arising from the sale of town sites on the Yuma Reservation in California, and the Colorado River Reservation in Arizona and California; to the Committee on Indian Affairs.

Also, a bill (H. R. 11096) authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation; to the Committee on Indian Affairs.

By Mr. ADAMSON: A bill (H. R. 11097) to amend the laws relating to shippers' manifests of merchandise for exportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 11098) to provide for the establishment and maintenance of mining experiment stations, and for other purposes; to the Committee on Mines and Mining.

By Mr. LAFFERTY: A bill (H. R. 11099) authorizing and directing the Interstate Commerce Commission to prepare and establish a single uniform classification of freight, with its rate schedule, and to prescribe rules for the ascertainment and apportionment of freight operating expenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: A bill (H. R. 11100) to authorize the Secretary of War to complete the erection of Locks and Dams B, C, and D, and put same into operation in the Cumberland River below Nashville, State of Tennessee, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. HENSLEY: A bill (H. R. 11101) to establish a mining experiment station at Flat River, St. Francois County, Mo., to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. KINKAID of Nebraska: A bill (H. R. 11102) providing that the marriage of a homestead entryman to a homestead entrywoman shall not impair the right of either to a patent, after compliance with the law a year, to apply to existing entries; to the Committee on the Public Lands.

By Mr. McKELLAR: A bill (H. R. 11103) to amend section 1, chapter 209, of the United States Statutes at Large, volume 27, entitled "An act providing when plaintiff may sue as a poor person and when counsel shall be assigned by the court," and to provide for the prosecution of writs of error and appeals in forma pauperis, and for other purposes; to the Committee on the Judiciary.

By Mr. SINNOTT: A bill (H. R. 11104) to provide for a deferred-residence homestead; to the Committee on the Public Lands.

By Mr. MAGUIRE of Nebraska: A bill (H. R. 11105) to provide for the encouragement of live stock, agricultural, horticultural, machinery, and the industrial exhibits in the various States; to the Committee on Agriculture.

By Mr. GOEKE: A bill (H. R. 11106) for the erection of a public building at Delphos, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11107) to provide for the purchase of a site for a public building at Celina, Ohio; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 11108) for the erection of a public building at St. Marys, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. GOODWIN of Arkansas: A bill (H. R. 11109) providing for the erection of a public building at the city of El Dorado, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. KINKAID of Nebraska: A bill (H. R. 11110) to authorize the Secretary of the Interior to contract with irrigation districts, organized under State laws, for the construction of the same, the Government to be compensated for the costs thereof by tax levies made on the lands of the water users of irrigation districts as provided by the statutes of the State in which the irrigation district may be situated; to the Committee on Irrigation of Arid Lands.

By Mr. AIKEN: A bill (H. R. 11111) to amend sections 1 and 105 of the Judicial Code, to provide for the appointment of a district judge, district attorney, and marshal for the western district of South Carolina, and for other purposes; to the Committee on the Judiciary.

By Mr. SHERLEY: A bill (H. R. 11112) to create the Gettysburg Peace Memorial Commission, charged with the duty of locating the memorial on the Gettysburg battle field to commemorate the fiftieth anniversary of that battle, July 1, 2, 3, and 4, 1913; to the Committee on the Library.

By Mr. KEY of Ohio: A bill (H. R. 11113) to enlarge, extend, remodel, etc., post-office building at Findlay, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of New York: A bill (H. R. 11114) authorizing the Secretary of War to donate to the city of New Rochelle, N. Y., one condemned bronze gun and three pyramids of shell; to the Committee on Military Affairs.

By Mr. STANLEY: A bill (H. R. 11167) to prescribe the conditions under which corporations may engage in interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. MCGILLICUDDY: A bill (H. R. 11168) to prescribe the conditions under which corporations may engage in interstate commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Resolution (H. Res. 355) regarding the Government ownership and operation of telegraph and telephone lines; to the Committee on the Post Office and Post Roads.

By Mr. POST: Resolution (H. Res. 356) to dismiss the charges filed by John P. Grace against Richard S. Whaley; to the House Calendar.

By Mr. KINDEL: Joint resolution (H. J. Res. 179) to establish a fair and relative parcel-post graduate; to the Committee on the Post Office and Post Roads.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 11115) to remove the charge of desertion from the military record of Earl W. Shaffer; to the Committee on Military Affairs.

By Mr. BARTON: A bill (H. R. 11116) granting a pension to Z. B. Partridge; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 11117) granting an increase of pension to George W. Householder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11118) granting an increase of pension to William C. Stair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11119) granting an increase of pension to John Zumbrum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11120) to correct the military record of Jeremiah Stover; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 11121) for the relief of the heirs of Hase Burns; to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 11122) granting an increase of pension to Lyman U. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11123) granting an increase of pension to C. H. Jewett; to the Committee on Invalid Pensions.

By Mr. CANTOR: A bill (H. R. 11124) for the relief of the heirs of the late Samuel H. Donaldson; to the Committee on Claims.

By Mr. CLAYPOOL: A bill (H. R. 11125) granting an increase of pension to Emanuel Sheese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11126) granting an increase of pension to William F. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11127) granting an increase of pension to Simeon Mick; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 11128) granting an increase of pension to Jacob T. Yarger; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 11129) granting a pension to Abram S. Rich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11130) granting a pension to Mary Jane Patrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11131) granting an increase of pension to John Woolley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11132) granting an increase of pension to Clark Canfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11133) granting an increase of pension to William Rook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11134) granting an increase of pension to Elisha D. Turner; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 11135) granting a pension to Alice P. Knapp; to the Committee on Pensions.

By Mr. DRISCOLL: A bill (H. R. 11136) granting a pension to Guy L. Joslin; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 11137) for the relief of J. P. Clark; to the Committee on War Claims.

Also, a bill (H. R. 11138) granting an increase of pension to Thomas Clark; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 11139) granting an increase of pension to Joseph M. Ashcraft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11140) granting a pension to Oscar Sweeten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11141) granting a pension to Clifford Sweeten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11142) for the relief of Peter Helfman; to the Committee on Claims.

Also, a bill (H. R. 11143) to remove the charge of desertion from the record of Frederick Feninger; to the Committee on Military Affairs.

Also, a bill (H. R. 11144) to remove the charge of desertion from the record of Herman Kneofler; to the Committee on War Claims.

By Mr. GOEKE: A bill (H. R. 11145) granting an increase of pension to James Liggitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11146) granting an increase of pension to George W. Larsh; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 11147) granting an increase of pension to Bruce Myers; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 11148) granting a pension to Michael E. Fogarty; to the Committee on Pensions.

By Mr. LAFFERTY: A bill (H. R. 11149) granting an increase of pension to Frederick H. Rix; to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 11150) granting an increase of pension to Francis S. Altman; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 11151) granting an increase of pension to John Q. Adams; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 11152) granting a pension to William Gilligan; to the Committee on Pensions.

Also, a bill (H. R. 11153) granting a pension to Arthur Demers; to the Committee on Pensions.

Also, a bill (H. R. 11154) granting an increase of pension to Fannie Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11155) granting an honorable discharge to George D. Tracy; to the Committee on Military Affairs.

Also, a bill (H. R. 11156) granting an honorable discharge to Patrick Kennedy; to the Committee on Military Affairs.

By Mr. MITCHELL: A bill (H. R. 11157) for the relief of John A. Gauley; to the Committee on Claims.

Also, a bill (H. R. 11158) for the relief of Thomas C. Hyde; to the Committee on Claims.

Also, a bill (H. R. 11159) for the relief of John McGrail; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 11160) granting a pension to O. A. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11161) granting an increase of pension to Samuel Blair; to the Committee on Invalid Pensions.

By Mr. MITCHELL: A bill (H. R. 11162) granting an increase of pension to Margaret Gallagher; to the Committee on Invalid Pensions.

By Mr. PARKER: A bill (H. R. 11163) for the relief of Lewis Wood; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: A bill (H. R. 11164) granting an increase of pension to David Tanyer; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11165) for the relief of the heirs of Thomas F. Clayton; to the Committee on War Claims.

By Mr. SMITH of New York: A bill (H. R. 11166) for the relief of Wilhelmina Rohe; to the Committee on Military Affairs.

#### 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 directors of the Washington Board of Trade, the Chamber of Commerce, and the Retail Merchants' Association, protesting against any change in the half-and-half principle of the act of 1873; to the Committee on the District of Columbia.

By Mr. BALTZ: Petition of the Grundy County (Ill.) Bar Association, favoring the passage of a certain amendment to House bill 9573, rearranging the Federal court districts in the State of Illinois; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Papers to accompany bill (H. R. 10090) granting an increase of pension to Edgar A. Bullis; to the Committee on Invalid Pensions.

By Mr. BURNETT: Petition of citizens of the seventh congressional district of the State of Alabama, favoring the passage of the Lindquist pure-fabric law; to the Committee on Interstate and Foreign Commerce.

By Mr. CARLIN: Papers to accompany bill (H. R. 11041) for the relief of L. C. Reid and Fannie B. Betts; to the Committee on War Claims.

By Mr. COOPER: Memorial of the Advancement Association of Pacific Junction, Wis., protesting against the passage of the seamen's bill in its present form; to the Committee on the Merchant Marine and Fisheries.

By Mr. DIXON: Petition of citizens of Hartsville and Taylorsville, Ind., favoring the passage of the Lindquist pure-fabric and leather bill; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: Petitions of Business Science Club, Philadelphia, and Employees' Association of Philadelphia, favoring the Philadelphia Navy Yard as location for a new dry dock; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of the directors of the Washington Board of Trade, the Chamber of Commerce, and the Retail Merchants' Association, protesting against any change in the half-and-half principle of the act of 1873; to the Committee on the District of Columbia.

By Mr. GARDNER: Memorial of the Beverly Board of Trade, indorsing the movement for the purpose of designating the Boston Navy Yard as the place for building a ship; to the Committee on Naval Affairs.

By Mr. GRAHAM of Pennsylvania: Petitions of the Business Science Club of Philadelphia and the Employees' Association, Philadelphia, favoring the Philadelphia Navy Yard as the location for the new dry dock; to the Committee on Naval Affairs.

By Mr. KIESS of Pennsylvania: Petition of citizens of Lycoming County, Pa., favoring legislation to pension emergency men; to the Committee on Pensions.

By Mr. LAFFERTY: Papers to accompany bill (H. R. 11149) granting an increase of pension to Frederick H. Rix; to the Committee on Invalid Pensions.

By Mr. LANGHAM: Memorial of the Federation of Jewish Farmers of America, favoring the passage of a bill for adequate rural credit facilities; to the Committee on Banking and Currency.

By Mr. MAHAN: Petition of the Chamber of Commerce of New Haven, Conn., favoring the passage of House bill 6282, relative to the restriction of narcotics; to the Committee on Ways and Means.

Also, petition of the German-American Alliance of New York, protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. McCLELLAN: Petition of the common council of the city of Hudson, N. Y., relative to the location of the deep-water terminal of the Hudson River at Hudson, N. Y.; to the Committee on Rivers and Harbors.

By Mr. SELLS: Petition of the business men of Newport, Tenn., favoring the passage of House bill 5308, relative to mail-order houses; to the Committee on Ways and Means.

By Mr. SCULLY: Petitions of Patent and Enameled Leather Manufacturers' Association, and committee on manufactures of the board of trade of Newark, N. J., favoring bill to compel concerns to properly label goods; to the Committee on the Judiciary.

Also, petition of C. B. McLaury, of New Brunswick, N. J., protesting against the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Navesink, Sea Bright, Elberon, and Long Branch, protesting against the passage of the seamen's bill in its present form; to the Committee on the Merchant Marine and Fisheries.

By Mr. WILLIS: Petition of Mrs. J. E. Myers and 90 others, members of the Woman's Missionary Society of the First Presbyterian Church of Bucyrus, Ohio, favoring an amendment to the Constitution to prohibit polygamy; to the Committee on the Judiciary.

#### SENATE.

MONDAY, December 22, 1913.

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

We bless God for the light and glory of a new day. Thou hast not been satisfied to unveil Thy face to show us Thy glory alone, but Thou hast been pleased to make us partners with Thyself in the execution of a great plan and coworkers together with God in that which works out the design of the divine mind. So with our hands full of this divine commission, with our lives full of the divine plan, we must give ourselves day by day to the execution of the task that God has committed to us.

In so far as Thou hast given us in trust a personal influence may it be for the establishment of the highest and the best among men. In so far as Thou hast committed unto us power may it be to restrain evil and to help on the good. In so far as Thou hast committed to us wisdom may it be used for the working out of the wise designs of God among men, so that our whole life with all its energies may be consecrated to the plan that God has revealed to us through His Son, our Lord and Savior, Jesus Christ. We ask the blessing of God upon us this day, for His holy name's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

#### TELEPHONE SERVICE IN THE DISTRICT.

The VICE PRESIDENT. The Chair presents a communication from the Public Utilities Commission of the District of Columbia, transmitting information relative to telephone service in the District, which information was requested by the Senate in a resolution of November 13, 1913.

Mr. GALLINGER. I think the communication should be printed and referred to the Committee on the District of Columbia.

The VICE PRESIDENT. If the Senator from New Hampshire will bear with the Chair, he will state that it is a very large document and contains a great deal of matter the printing of which the Chair is in doubt about, and the Chair would prefer to refer it first to the Committee on Printing.

Mr. GALLINGER. I think that reference first would be proper under the circumstances.

Mr. NORRIS. I was going to make an inquiry in regard to the disposition of the report. I could not hear what the Chair said.

The VICE PRESIDENT. The Chair stated that, in the first instance, he would refer the communication to the Committee on Printing, as it appears to be a very voluminous document, and the Chair is in doubt as to whether it should be printed. It will be referred to the Committee on Printing, and the Senator from Nebraska can consult with the members of that committee in reference to the printing.

Mr. NORRIS. That course is satisfactory, I will say to the Chair.

#### FEDERAL RESERVE CITIES.

Mr. POINDEXTER. Mr. President, I present several telegrams, including one from the mayor of the city of Seattle, Wash., setting forth the claims of the city of Seattle to be designated as a Federal reserve city under the currency act which is about to be enacted. I ask that they be printed in the Record.

Mr. SMOOT. I did not hear the request of the Senator.

Mr. POINDEXTER. There are several telegrams that I submit, and I ask that they be printed in the Record.